

SNOW VIEW, NATHIA GALL,

July 15th, 1905.

SIR,

Very many thanks for the lovely box of mangoes you so kindly sent me and also the box of peaches, plums and grapes, all of which I received safely.

Yours truly,

(Sd.) H. WILSON JOHNSTON.

(3rd March 1907.)

Sir Harold and Lady Deane request the pleasure of K. B. Khwaja Mahomed Khan's company at the marriage of their daughter, Gertrude Mary,

with

Mr. Francis Henry Humphrys, at St. John's Church, Peshawar, on Tuesday, April 2nd at 3 o'clock and afterwards at Government House,

R. S. V. P.,

Government House, Peshawar.

THE MALL, PESHAWAR,

February 14th, 1908.

DEAR KHAN SAHIB,

It is very kind of you to send me such a large basket of citrons, and I shall have them made into jam at once. It is so nice having home made jams. The Sahib sends his salams.

Yours sincerely,

(Sd.) MAY BARRATT.

ABBOTTABAD,

May 23rd, 1908.

DEAR SIR,

Very many thanks for the beautiful citrons and I appreciate your kindness very much. I hope you are enjoying good health.

Yours truly,

(Sd.) V. BUNBURY.

To

K. B. KHWAJA MAHOMED KHAN.

DEAR KHAN SAHIB,

Thank you very much for the beautiful basket of melons you sent me which came this morning. They are most delicious and most acceptable

as we cannot get any fruit up here. Trusting you are well and free from all gout.

Yours sincerely,
(Sd.) MAY BARRATT.

8th February 1909.

DEAR KHWAJA,

Thank you very much indeed for the beautiful oranges you have sent us. It is very kind of you to have thought of us and they are most acceptable. We much enjoyed our afternoon in your garden yesterday. I am writing for my husband as he is out.

Yours sincerely,
(Sd.) AGATHA HAY.

MALAKAND (NORTH-WEST FRONTIER),

17th November 1909.

To

KHWAJA MAHOMED KHAN.

SIR,

Could you send me two milch cows on here till I get a cow. My present one has gone nearly dry and I am in great difficulty about milk. Trusting your health is good.

Yours truly,
(Sd.) L. ROBINSON.

MARDAN (NORTH-WEST FRONTIER PROVINCE),

18th January 1910.

Mrs. Robinson presents her compliments to Khwaja Mahomed Khan and is very much obliged for all the *dalies* he has so kindly sent. The fruit always pleases the Miss Sahib. Also she is very sorry to hear he is suffering so from gout and begs he will not think of coming to see her in this damp weather.

NATHIA GALLI,

NORTH-WEST FRONTIER PROVINCE,

18th June 1910.

Mrs. A. L. Tucker thanks Khan Bahadur Khwaja Mahomed Khan of Hoti very much for the basket of melons so kindly sent to her with his letter of the 18th of June. She trusts he is in good health.

BARNES COURT, SIMLA;

19th July 1910.

DEAR SIR,

I am requested by Lady Dane to thank you very much for the kind present of a basket of peaches. They are being much appreciated.

Yours truly,

(Sd.) J. C. RUSSELL, A.D.C.

NATHIA GALLI,

27th July 1910.

Mrs. A. L. Tucker thanks K. B. Khwaja Mahomed Khan of Hoti very much for his kind presents of melons and peaches, that he has sent her and Mr. Tucker. Mr. Tucker is now up here and they are both much enjoying the fruit from Hoti which the Khan has so kindly sent them.

Accused 1 declines to make a statement in this Court.

Accused 2 declines to make a statement in this Court.

Accused 3 states that he will put in a written statement.

Mr. Raikes puts in a written statement on behalf of accused 3.

I charge accused 1, 2, 3 firstly under sections 336, 109, Indian Penal Code. in respect of Miss Swannell.

Secondly, under sections 366, 109, Indian Penal Code, in respect of Miss Coutts.

I commit accused to the Court of Sessions.

Mr. Raikes applies that accused 3 may be remanded in the same custody in view of the Medical evidence.

Mr. Nicholson.—I have no objection.

Accused to be remanded in the same custody until Friday, February 2nd.

Mr. Raikes.—I will give the list of the defence witnesses to the Clerk of the Crown.

(Initialled) A. H. S. A.

30th January 1912.

Exhibits to be sent to the Clerk of the Crown forthwith.

(Initialled) A. H. S. A.

30th January 1912.

ENCLOSURE No. 7.

Extract from the note book of the Honourable Sir Dinsshaw D. Davar containing notes of the evidence in the case, E. vs. Khan Bahadur Khwaja Muhammad Khan and two others, heard by him.

Tuesday, 13th February 1912.

C. W. King and others :

The Advocate General with Mr. Nicholson for the Prosecution.

Mr. Wadia for accused Nos. 1 and 2.

Mr. Inverarity with Mr. Raikes, Mr. Velinkar and Mr. Dover.

Charges under sections 366 and 109, Indian Penal Code.

Mr. Inverarity says charge of abduction and abetment embarrassing.

P. C. I do not think so.

The Advocate General opens the case for the Prosecution.

On September 25th the young ladies arrived at Hoti Mardan.

Letter *But*

Letter I could tell what took place on two occasions.

Note.—The Advocate General says he does not charge either the 1st or 3rd accused with the charge of abduction. Only charges them with abetment.

The Advocate General under section 333, Criminal Procedure Code, informs the Court that he does not wish to proceed with the charges of abduction against accused Charles W. King and Khwajah Mahomed Khan.

P. C. accused Charles W. King and Kwajah Khan Mahomed discharged and all further proceedings stayed against them on the charge of abduction.

I direct that such discharge shall amount to an acquittal.

Mr. Inverarity applies that the 3rd accused's personal attendance may be dispensed with during the trial.

Section 353, Criminal Procedure Code.

,, 205, Criminal Procedure Code.

C. A. V. till 3-30.

Ernest Fredrick Gordon Tucker sworn, examined by Mr. Inverarity. I am a Major in the Indian Medical Service. I saw accused No. 3 first on the 8th January 1912. He was very ill at that time. He has been very ill since. I have been attending on him. He is suffering amongst other things with extreme weakness of the heart which is due to dilatation and fatty degeneration of the heart and I suspect that he has got an aneurism. The heart may suddenly rupture and cause instant death.

I think it is very probable that he would die in Court if he had some sudden shock or some sudden excitement.

It is not safe to bring him backwards and forwards to and from the Court. It is not good for him to lie in a *palki* in a crowded court. The other ailments he is suffering from are of long standing.

This weakness of heart must be of some five or six years standing.

The Advocate General does not cross examine.

Elsie Swannell sworn examined by the Advocate General.

I am 21 years of age. I was educated at the Bandora Convent. I left school in 1906. I went to reside, at the Foundling Home, Mazagon. Sister Winifred is in charge of that home. She is of the same order as the Bandora Convent.

The order is of the Daughters of the Cross.

I always resided at the Foundling Home except for a month or two. I got employment in Bombay after leaving school in different shops in Bombay and in the Telephone Company. In September last I was at the Foundling Home. No. 2 came there.

She came in the morning about the 12th of the month of September last. I answered the door.

I had no situation there. I was helping the sisters. It was part of my duty to answer the door.

She asked to see the mother Superior. I called sister Winifred. She spoke to Mrs. King in the parlour. I was not in the parlour. Sister then came out and went upstairs. I went in and spoke to Mrs. King.

She said she had come to take two governesses for the Rani of Hoti to teach the little boys.

She said the Chief wanted governesses for the Rani to teach two little boys, eight and ten or ten and twelve.

I told her I would like to go. She told me to ask the Sister Superior. I never knew her before. She said she was the wife of the Chief of Hoti's motor driver. She said her name was Mrs. Henderson. She said one was to get Rs. 130 and another Rs. 115 a month. I told her I had no testimonials and I had not been in this service before and she told me it was not necessary. She went away after that. A day or two after I saw her again at the home. She came there. She asked to see the Sister Superior again. I called her down. No. 2 spoke to her in the parlour alone.

The Sister Superior then came out of the room.

I went in and spoke to her again. No. 2 said the Sister Superior had told her she had no girls to send.

I told her I would ask the Sister Superior to send me. She then left. I spoke to the Sister Superior.

No. 2 came back the next morning. She said she had just come from church and wanted to see the Sister Superior again. She saw the Sister Superior. I was not present at the interview. After the interview I saw her and I told her the Sister Superior had permitted me to go. She did not tell me anything and said she was going to the Hospital to see the other lady she was taking with her. Said she would come back the next day. She came again on the following morning and asked to see the Sister Superior. She saw her. I was not there. Afterwards I spoke to No. 2. She told me she had asked Sister Superior to send some one with me as the ladies in the hospital would not be able to leave for a fortnight or a month. She said Sister Superior was going to send Mrs. Glendenning who was living at the home. She was a widow. I called Mrs. Glendenning. No. 2 said to us she would call next morning to take us to have our photos taken.

No. 2 then left. Next morning, she came and took me and Mrs. Glendenning to the Photographer. We were both photographed. These are the photos.

WITNESSES' PHOTO (EXHIBIT A.)

Exhibit A.

Mrs. Glendenning's Photo (Exhibit B.)

Exhibit B.

Three days afterwards No. 2 came with photos. She said she wanted to show the photos to Sister Superior.

I called her. Sister Superior called me afterwards and showed me the photos. No. 2 said she would send both photos to Hoti Mardan for Mr. King the engineer to see. She said he was the engineer at Hoti. She took away only

my photo. She said the engineer would show them to the Chief and if he approved money would be sent down to have us brought up to Hoti. She then left. About 3 days after she came to the home. She asked to see Sister Superior. She saw her. I was not there. Subsequently she said my photo was satisfactory and the money would be there that evening. Sister Superior told me she would not allow me to go alone and that another lady should be sent with me. This was a day or two before Mrs. King came and when I first spoke to her about going.

Mrs. King said Sister Superior had found some one to send with me. She told me this when she saw my photo was approved. She said we were to be at the Bori Bunder station at 2 o'clock. No. 2 then went away. Next morning Sister Superior showed me a telegram received by her from King. It was to enquire if Mrs. King had started with the two girls. Sister Superior told me to get ready and I went off to the station. Sister Superior said I would see Miss Coutts who was to go with me to the station.

After the receipt of the telegram No. 2 did not come to the home. I knew her as Mrs. Henderson.

I went to the station and I saw there No. 2 and Miss Coutts whom I had not known before.

A lady Mrs. Parseller had accompanied me to the station from the Home. She was not living at the Home. Her husband is alive. I had not known her before. She is Miss Coutts' sister.

Mrs. King took 3rd class tickets for me, Miss Coutts and herself.

The name mentioned in the telegram was Mrs. King, the Sister Superior told me she had asked no. 2 about it. Up to that time I had known her as Mrs. Henderson. I think no. 2 had come after the receipt of the telegram to the Home but I was not there. Sister Superior told me no. 2 told her, her real name was Mrs. King but she did not like to use that as her friends would not know her by that name. No. 2 had told me we were to travel second class. We told her we refused to travel 3rd class. She said she could not help it. She had not enough money sent to her. We three started by the Punjab Mail leaving at 2.30 P.M., we left that train at Nowshera where we arrived on Monday evening. We left on Saturday 23rd and arrived on Monday 25th September at 7 P.M.

Before we got out no. 1 came and asked us if we were ladies from Bombay, No. 2 was not travelling in the same compartment with him. We got out and got into another train—narrow gauge—and we went to Mardan. Mr. King took our tickets 2nd class. We all four travelled together.

We arrived at Mardan in a very little while. Mr. King went away and came back saying the Chief was waiting to see us in the waiting room. No. 1 took us to the Chief. No. 2 was with us. The Chief shook hands with us and said "Meherbani".

I know Hindustani but I did not understand his language. We all then went into the waiting room. He asked us to sit down. He was speaking to Mrs. King. I do not know what he said but he was saying one of the photos did not agree and she said she had told him that one of the girls was sick so she had brought another lady. There were no photographs there. He told Mrs. King to let us go home—the tongas were waiting. The Chief left us and drove away in his garry—a dog cart. He had no difficulty in walking. From what I saw he did not appear to be decrepit. We got into a tonga, I and Miss Coutts, and drove away to a house in the bazar. It had a ground floor and an upper floor. We occupied the upper floor. I and Miss Coutts occupied one set of compartments and the Kings occupied the other set. One staircase led to both sets.

Our apartments consisted of one sitting room, one bed room and one bath room. There was an empty room leading to the verandah which looked on to the street. Miss Coutts and I shared the same bed room. There were no chicks when we arrived. We then sat down to dinner with the Kings in their rooms.

We spoke to the Kings the same night about the work we had to do. Mr. King told us he would settle it next day. Next day we had breakfast and we again asked about our work. He said the Chief would not trouble us for 2 or 3 days as he knew we were tired after our journey. That was on the 26th.

Next day the 27th, Miss Coutts and I sat down in our own rooms to write letters.

While we were writing, No. 2 came in running and told us to get ready as the Chief was coming to see us. We said we were well enough dressed. She said it would not do and that we were to put on good dresses. We put on other dresses.

In about 20 minutes the Chief came in. The man in the palki is the Chief I have spoken about. He had not a beard then. He has one now. Mr. King was with the Chief when he came. King brought a basket with him.

The basket had fruit, biscuits, sweets, a bottle of cherry whisky and a bottle of Brandy.

The Chief asked King to go out and he left. We were then in our sitting room. We were only three then in the room—Chief, myself and Miss Coutts. The Chief asked King to shut the door as he went out and King did so.

After Lunch.

3-30 P.M.

P. C. I deliver short oral judgment on Mr. Inverarity's application and dispense with the personal attendance of the third accused till the further order of this Court and direct that all witnesses for the Crown who are required to identify him should do so now.

Daisy Coutts sworn, examined by the Advocate General.

I have seen the man in the palki. I recognise him. He is the Chief of Hoti Mardan.

Elsie Swannell. Examination continued.

The Chief sat down and began talking. I did not understand his language. I did not understand what he said. There were two windows in the room. From the windows you could see the hills. There was a sort of yard outside. The windows were at the back of the house. I was sitting on a sofa near one of these windows. Miss Coutts was on a chair opposite to me. There was a table, a sofa and two or three chairs. He was talking to Miss Coutts. I could not understand what he was saying. He asked me a question which I did not understand. I asked Miss Coutts what he said. She told me he wanted to know my age. I told him in Hindustani. Then he spoke to Miss Coutts and asked her age, she told him. Then he said something to Miss Coutts which I did not understand. She explained to me that he was saying that in this country a man's age is judged by his teeth and a woman's by her breast. He spoke to her again and she spoke to him again. She was asking him about the Durbar. Mrs. King had told us that we would go to the Durbar with the Chief. The Chief spoke to Miss Coutts in Hindustani. I understand a little of it. The Chief only laughed when Miss Coutts spoke about the Durbar. He then pointed to the window and told me "Kholo".....

I got up to the window. He got up and called Miss Coutts. He was to my right and Miss Coutts was behind me. He pointed to the hills from the window and told me those were Malakand hills. He also spoke about some buffalo fights taking place in the yard below. Miss Coutts explained this to me. He said nothing further and we were quiet for a little while. As I turned my head to the right from the left where I was looking I saw something dark near me. It was the Chief's hand near my breast about an inch, the hand was half closed; the front, that is the inside, of the hand was towards me. When I saw that I ran across the room to the other side of the table. He said..... "why are you frightened". Miss Coutts said "we have told you our ages.

Why don't you believe us" . . . He said something which I did not understand. Miss Coutts explained that he had said "when you are in a place where it is the custom, why not go by it"?

We told him we had not come for that purpose. We had come to work. He took no notice and asked something else. I did not understand what he said. Miss Coutts explained that he asked when he could come and do what he would like with us and that he asked whether we would go to his palace or we come to his bungalow. I said "I told you we have not come for that but we have come as governesses to the Rani. He said something to Miss Coutts and she told me to smile. I asked her why. She said the Chief said I looked very cross. I had a cross face on. After that he left the room. I don't know if I smiled.

The Chief called out to Mr. King. After a little while Mrs. King came into the room. She said the Chief was very angry and had said "Mr. King, what have you done"? We told Mrs. King what had happened and said "We did not wish to stay there" Mrs. King said "You must not be angry. He only touched you as a father would touch her child". I said "No such thing". We asked her to send King. We wanted to see him. She came back and said Mr. King said he was ashamed to see us. We went to Mr. King's room with Mrs. King. We spoke to him. He said he was sorry. He said he would settle up with us and he would himself leave the service after taking his pay.

The Chief did not ask us if we had any University degrees or passed any examination so far as I know. He did not ask if we had experience or abilities as governesses. He did not ask us if we had knowledge of needlework or embroidery. We never said we had no qualifications and no experience and no certificates. I have learnt embroidery and needle work.

I can't do needlework, but I do embroidery and fancy work.

After our conversation we did not speak again of this incident. We ate the fruit and gave the liquor to Mr. and Mrs. King. We had no money to get away with.

Mrs. King came in the afternoon and said a sepoy had come to take away her Charley and shoot him. She was drunk.

Later on we went up with King on the terrace, we had dinner that night in our own rooms.

While we were in bed Mrs. King came and told us the Rani had come with her retinue, we had locked the door from inside. We wanted to go to the front verandah to see her. She said the Chief had sent word by her husband that we should not go out on the verandah till the chicks were put up. I wrote this letter. I began the letter in the morning the Chief came to see us (Wednesday,) I finished it next day. I gave the letter to the chokra to post. It was in an envelope addressed by me. I always wrote S. A. G. in a corner of the envelope. All girls in the Convent do that.

Letter dated the 28th September 1911. (Exhibit C.)

Exhibit C.

This envelope is not in my handwriting.

I had begun writing Exhibit C. on the day that the Chief called on us. I had written to the place I have marked with red pencil, when the Chief came. When I put a dash after But—I was referring to what had happened when the Chief came. I changed the 27th to the 28th when I resumed writing this letter.

This envelope is not addressed by me. I did not put my letter, Exhibit C., in this envelope. I know it is King's writing. I know his writing.

Envelope Exhibit D.

Exhibit D.

The Rani came the day after the Chief came (Thursday, 28th).

Next morning, 29th. Friday, Mrs. King sent me a note. That note I have destroyed. In the note it was stated that the Chief had asked King to ask us not to go out on the verandah till the chicks were put up.

That day Mrs. King came to us and we said "Where is the Rani, we have not seen her? And she said, "There is no Rani, but don't tell Mr. King that I have told you this".

Nothing occurred that day.

On the 30th the last day we were there, Mrs. King told us not to go out into the verandah—that some police had come to enquire about us. We went to King's room. He said a Police man had come but that he had sent him away saying there were no girls there.

King said he would inform the Chief in the evening when out for a motor drive. He went out about six and told me he was going to see the Chief. We had dinner with Mrs. King and just as we were retiring King came in very late. He came in a great hurry and told us to pack our things saying we must leave for Rawalpindi that night. We got ready, put on our hats and came to the verandah. I was wearing a cap. Mr. King told us to take our caps off and sent Mrs. King to bring big towels to put over our heads. She brought three towels. We said we were not going to take our hats off. He insisted saying there were lot of natives down there who will see you. We put the towels over our heads. He said, "Put the towels close over your faces" and we did so. King's son had a lamp which King got him to blow out and take inside.

That was when we were in the verandah. We were taken through a lot of little lanes. We went to a garden. We had been there before at night after dinner.

Q.—How many days before.

A.—Don't know.

On this occasion I don't think we followed the same route. There is a small museum in the garden. When we arrived the Chief was waiting at the door of the museum. It was dark. There was a hurricane lamp in the museum. It was about half past eight or a little later. The Chief shook hands with us, and asked us how we were—by we, I mean Miss Coutts and myself.

He caught me by my hand and was leading me into the museum. I refused to go in. The Kings told me not to be afraid but to go with him. I refused. Miss Coutts said she would go first. The Chief and Miss Coutts went inside. Miss Coutts was in about 10 minutes. I went and took my seat on a bench with the Kings. They said, "Why are you afraid". Said I was silly not to go in, the Chief would not do anything to me as there were some other women inside. I said "If the Chief wants to say anything why does he want us in the dark, why does he not say it here"? After ten minutes Miss Coutts came out and the Kings told me to go in. I told Miss Coutts I did not want to go in. She said, "You can go in Miss Swannell but don't let the Chief put his hands on you". Mrs. King said she would go with me. As she was willing to come I went with her as far as the door.

The Chief was standing at the entrance. He caught my hand, took me in and closed the door. When I turned, I found Mrs. King had run away. There was nobody in the museum besides the Chief and myself. The Chief led me to one of the benches and asked me to sit down. I sat down and he sat beside me. He was talking and pointing to some pictures on the walls. I could not understand what he said. He went on talking. I did not answer because I did not understand him. I told him so. He was laughing and said (*words in vernacular.*) "I will make you a Pathani". He said he would cut my hair across the forehead and passed his finger over my forehead. He went on talking, I said "What are you saying." He said (*words in vernacular*) (give a kiss). He pointed to the cheek. He touched his own cheek twice and said (*words in vernacular*) (give here). After that he asked me to give him my ring which I wear on my middle finger. He caught my hand and said "give this" pointing to the ring. I drew my hand away.

After that he asked me for a bunch of keys which I had in my hand. I did not reply. He then put his hand up to my ear and asked me to "give these." I had no ear-rings though before that he had seen me wearing ear-rings. After that I felt the weight of his hand on my chest. I stood up. He took hold

of the end of the scarf I was wearing. He asked me to sit down again but I refused. He said (*words in vernacular*). "Why don't you let me see?" I said "I had not come for that kind of thing", and told him I did not want to stay. He asked me whether he should tell Mr. King about it. I said he could. I told him to tell. He went to the door and called King. I went to the door also. I saw Mr. and Mrs. King and Miss Coutts. He began talking to Mr. King and we asked Mr. King to tell us what he said. King said the Chief was sending us to Rawalpindi that night because Police had come to make inquiries.

Mr. King said at Rawalpindi nobody will notice us, there being so many other Europeans. He also said I and Miss Coutts would return to Hoti after a short while. We were told not to go out alone when there, but that some one should go with us. This was what the Chief said as interpreted to us by King.

The Chief then stroked me and Miss Coutts under the chin and then we left.

The Chief touched me here (pointing to her chest) on my breast after he had touched my ear. The palm of his hand touched me.

Wednesday, 14th February 1912.

C. W. KING AND OTHERS.

Elsie Swannell further examined by the Advocate General.

The Khan did not say anything about being brought there against his instructions. He did not suggest that we were not to remain in his service. He said we were to return when the bungalow would be ready for us.

We then went on to the street where there were tongas waiting for us. We drove to the station, all four of us. It was not Mardan station. We got in train for Rawalpindi. Mr. King got the tickets. We had no money.

We reached Rawalpindi early in the morning. We went to the Dâk Bungalow. King then left and returned and took us to another house. He said he was going to see Baba. I understood him to be the Chief's cashier.

At the bungalow the Cashier was there. He was a Sikh. Baba paid us.

This was on the 1st of October. He gave us Rs. 26 each for service from 23rd to 30th September and paid us Rs. 30 each extra for our expenses. He told us distinctly that these sums were for the new month and we would be returning to Hoti shortly. Baba left after paying and King left that night. We remained at Rawalpindi myself, Miss Coutts and Mrs. King.

On the 6th of October I wrote the letter to Sister Superior in Bombay. I had not heard from her. Mr. King had said we might go to Murree. He also said we might go to Cashmere.

The Kings told us at Hoti we would have no work to do. In this letter I refer to what the Chief tried to do at the house where we were and at the museum.

Letter dated 6th October 1911. Exhibit E.

Exhibit E.

I got a letter from Sister Superior. This is that letter. This was put in another envelope and sent on to me.

Mrs. King spoke of an English governess—an old lady who was going back to England—and she said that is why two governesses were required. We saw no governess there.

Letter dated 1st October 1911. Exhibit F.

Exhibit F.

I then received a telegram. I destroyed it when I came to Bombay. I think we received two telegrams, I am not sure. I destroyed both. This was the first one.

Original telegram, dated 6th October 1911. Exhibit G.

Exhibit G.

I sent this letter to the Sister Superior on the 9th of October. Before that letter I sent a telegram to Sister Superior. It was to this effect. I prepaid the wire for reply.

Telegram, dated 7th October 1911. Exhibit H.

Exhibit H.

I think I got a reply I am not sure. This is my telegram. I sent it to King.

Exhibit I.

Telegram, dated 7th October 1911. Exhibit I.

Exhibit J.

Letter dated 9th October 1911. Exhibit J.

Khan sent us fruit from Mardan.

At Rawalpindi we had to pay for our own expenses. I got a wire from King saying he was coming from Hoti to Rawalpindi in a motor to take us for a drive. He came the next night. I have destroyed the telegram.

He came by train. He went away next day.

I told King about the letter from Sister Superior. He said "Why do you want to go? It is nothing at all".

I did not see King till the Police came. We remained there. Police came on 11th or 12th with a Roman Catholic Priest. Superintendent Farquhar came there. Mrs. King was there. He asked if Mrs. King was living there. We said yes. He said "Who are you"? We said we came from Bombay. We told him we had been brought as governesses for Rani to look after her children. Mr. Farquhar told us there was no Rani and we had to go to Bombay. We said we were willing to go but we had no money to pay our fares. He asked us to get ready and he went out. Mrs. King said "Why do you want to go to Bombay? Sit here and get your pay. There is no work here". She further said "Now you are going away I won't get the 200 Rs. the Chief promised me." We packed up and left with the Superintendent to the Deputy Commissioner. He sent us to his bungalow and his wife. We remained there till 6 and then we were sent to the Cantonment Hotel. Mrs. King remained behind but came at night to the Hotel to see us. She said she had wired to King that we were taken away by the Police. She left that night and next morning came with King. King said "Don't be afraid of the Police they can do nothing to you". He said he had shown the wire to the Chief who had told him "Save yourself and save me."

He said "Tell the Police I had brought you to teach my children." He said he had 3 children.

They then left and we never saw them again until we saw them in the Police Court. He said he would meet us at the station. We said Commissioner's wife was coming there so he did not come. We were two days at the Cantonment Hotel and then we left for Bombay.

We came to Bombay 2nd class. Three Policemen in turn were in charge of us successively on our journey.

We went to the home on arrival in Bombay. These three letters are in Mr. King's handwriting. Three letters marked X-1 for identification. These two letters are also in King's handwriting. Two letters marked X-2 for identification. These 5 letters are also in King's handwriting. Five letters marked X-3 for identification. These two letters are also in King's handwriting. Two letters marked X-4 for identification. These two letters are also in King's writing. Two letters marked X-5 for identification.

Examined by Mr. Inverarity. (Before Mr. Wadia by consent.)

I am not an Eurasian. I was born at Jubbulpore. I sometimes lived at Belgaum with my grandmother,—my mother's mother.

I have been employed as shop girl and telephone girl.

I was at Whiteaways, The Telephone Exchange, Shilling Stores. King & Co., King and Co. are Parsi Picture frame makers, nowhere else.

I began being in service since 1905.

I left school in October 1905.

X-1.
X-2.
X-3.
X-4.

I have no relatives in Bombay, I have up-country.

We saw the Khan on only three occasions. The interview at the station must have been about 15 minutes. The interview at the house lasted for about half an hour. In the garden the interview must have been an hour or a little more—from the time we came to the garden till the time we left. I was on this occasion 10 to 15 minutes with him. We went to the garden late, about 8-30. It took us a little while to get to the station. It was about a mile.

Sister Superior told me before I left home for the station that No. 2's real name was Mrs. King. Mrs. King always asked to see the Sister Superior whenever she came there and always did see her. It was stated on the very first occasion that two governesses were to go. When another lady was sick (Mrs. Schultz) Mrs. King suggested I should go alone. I was at first to go with Mrs. Schultz. I know her. She is a married woman. She had no children. She is a young woman about 27. She is in Bombay. She was in Bombay when witnesses were examined in the Police Court. She could not go as she was in Hospital; she has lived at the home with me. She left the home 2 days ago. She was in the home when Police Court proceedings were going on. Mrs. King said if she could not get any one she would take me alone. As a matter of fact she got Mrs. Glendenning. I don't know if she was to get higher pay. Mrs. Glendenning was living in the home. She agreed to go.

We were asked by Mrs. King to be photographed, so that our photos may be sent to the Chief.

Exhibit B. is a correct photo of Mrs. Glendenning. She is quite an old lady. She must be past fifty. She is a widow. She has a son who is married. She is a grandmother. She and I were to go together. She was to go for a month till Mrs. Schultz got well and then Mrs. Schultz was to take her place. After being photographed I knew that her photo was not sent. I never heard from any one that Mrs. Glendenning was not willing to go. I made no inquiry as to why she was not going.

Q.—Did you say in the Police Court Mrs. Glendenning's photo was kept back as she did not want to go.

A.—I don't remember. I may have said it. I read over my deposition and signed it.

(Deposition shown.)

I must have said this if it is there. It is there in the deposition which was read over to me by the Court Interpreter and I signed it. I made an addition after the deposition was read over to me.

The next person I heard who was to accompany me was Mrs. Parceller. She is a married woman. She is 24. Her husband is alive. I don't know if her husband is in Bombay. She has two children. On the day I went to Bori Bunder Mrs. Parceller had come to the home to see Sister Superior. Sister Superior told me she was not going with me. That was on the day I went to the station. When I and Mrs. Parceller went to the station Miss Coutts was there. I don't know if this was the first time Mrs. King knew that Miss Coutts was going in Mrs. Parceller's place. I don't know if Mrs. King had seen Miss Coutts before she saw her at the station.

Miss Coutts told me afterwards she was working with a lady. She told me also that she had been a nurse in two different hospitals in Bombay. She did not tell me anything else about her employment.

I did not know, but I have since heard, that before Mrs. Schultz was asked to go Mrs. King was trying to get Mrs. Rogers to go to Hoti Mardan. Mrs. Rogers is a married woman with a husband and 3 children in Bombay. Mrs. Glendenning may have been in Bombay but I know Mrs. Parceller was in Bombay when Police Court proceedings were going on. Mrs. Parceller lives at the home. She was not in the home when it was arranged that she should go to Mardan. She came to live at the home perhaps a month ago or more. She came some time after I returned to Bombay. There is a register showing

when people come to live at the home and when they leave. Boarders pay if they are working and are able to pay.

We went third class. We took our luggage with us. I took all the clothes with me. I took a number of dresses with me. The Chief was at the station and it was explained to me that one of the ladies was not the same as in the photo. I was not told that he expected a more elderly person than Miss Coutts. All that was explained to me was that the Chief complained that one photo agreed and one did not. I saw no photos at the waiting room.

I never said at the Police Court that I saw my photo when at the waiting room. I am sure I did not say so.

(*Deposition shown.*)

I see I am taken to have said this. It must be a mistake. I never saw my photo at the waiting room.

I did not say at the Police Court "I told No. 2 I had no testimonials or certificates as I had never been in that sort of service before and Mrs. King said it was unnecessary."

I was alone with her when we had the conversation. At the Mardan Station Mrs. King told me she had explained that the lady who ought to have come was sick and Miss Coutts had come instead. The lady who was sick was Mrs. Schultz.

The bungalow we went to is in the bazaar—a crowded part of the town.

The bungalow is in the market. There was only one bed room provided for me and Miss Coutts. The rooms opened out on a verandah which runs a considerable length. That verandah runs not only opposite our and King's rooms but a number of rooms let to tenants.

I never went over, but I was told by the Kings that there were many tenants. I did not see the tenants.

From our rooms we could have walked the whole length of the verandah right in front of the range of rooms. I could see the verandah from end to end. The verandah might have been a 100 yards long. We were living there four days before the chicks were put up.

They were put up on the day we left, the 30th of September. We arrived on the 25th and the chicks were not put up till the 30th. At Hoti we used to go out. We went out on two occasions. I don't remember the first. I can't say if it was Tuesday, Wednesday or Thursday. On that occasion we walked through the streets with Mr. and Mrs. King. On the first occasion we went to the garden and spent some time there. I don't know if that garden is surrounded by houses. I don't know how big it was. It is a small garden. I don't know if public are permitted in. I was told there was another garden which was public, but that this was not. We were out at 7.30 P.M. It was dark. I don't know if it was moonlight night. We walked back with the Kings. This was after the Chief had come to see us at our bungalow.

I did not find the natives gathering round and staring at us in the streets. I did complain of the natives staring at us during the day. When we were at the verandah there used to be a great crowd downstairs staring at us. We made no complaint. What I have said first about complaint was correct. Yes, we did complain.

We were told that we could get on the verandah after chicks were put up.

We did not put towels over our head to disguise the fact that we were Europeans and to prevent the crowds staring at us. They were put on for concealment so that people should not know that we were Europeans.

My letter of 28th September was posted on the same day at Mardan. I see that by Ex-D.

I put the dash underneath and on the side of "But", in that letter I did it with the same pen and ink. Both the underlining of "But" and dash were made by me immediately after writing the word "But" and before I wrote anything else. I put both lines with the same pen and ink. I can see no difference.

* The Sister Superior had not warned me against the possibility of improper conduct on the part of the Chief.

(Ex.-F. portions read out of the letter.) I do not remember the story the Sister Superior refers to about a girl running out of the bathroom and I do not remember what she told me when I was leaving. I don't remember what the Sister Superior refers to in her letter. I knew when I got the letter that there may be occasion for my running out of the bathroom. This is in reply to my letter with a But.

The Sister Superior says the Chief must be a very honourable man and I was not to be afraid.

I don't know that that means that the Sister Superior had not drawn any adverse inference from my letter with *But*.

* The Chief came to the bungalow about 11 in the morning.

I don't know how the Chief came into the bungalow. It was 11 o'clock in the day. I don't know if there were plenty of people about. I understood him when he pointed to the hills and said these are Malakand hills and I understood him when he said (*words in vernacular*) "why are you afraid".

I understood nothing directly what the Chief said except these two things. All the rest Miss Coutts explained to me.

The Khan does not understand English. I don't suppose he knew what Miss Coutts was saying to me.

Miss Coutts said the Khan had asked "when can I come and do as I like".

I did not think of writing this in my letter the next day to Sister Superior. I can give no reason why I did not, beyond this, that I did not think of it.

* I did not write in the subsequent letters this incident because I did not want to write.

I remained a fortnight after this bungalow incident but I never wrote to anybody.

27th September to 11th October.

We never knew that we were going to see him before we actually saw him in the garden.

We were taken down to the street to get into the tongas. When we got down Mr. King told us the Chief was waiting to see us. We asked why we were taken to the museum. King told us the Chief was waiting to meet us. We went because we expected the Chief would not behave in the same way again.

I did not mention the whisky and brandy and merely wrote about wines because we had no particular reason for doing so.

At the bungalow the Chief never touched my person. I saw his arm across my breast. His right arm was there. There was nothing wrong with his hand or arm. He had a stick in hand.

I never noticed anything wrong with his arms, hands or legs. He appeared to be a man with full use of his limbs.

At the museum door he caught my wrist. I did not say tight.

He used no violence. He closed his hand on my wrist. He did not grasp my wrist. On both occasions at the museum he caught my wrist in the same way.

The museum is in the centre of the garden. I don't know if there are four roads meeting at the museum. It is a round room. It is a building of some sort of netting. I don't know if it is made of wooden trellis work. I don't know if people from the garden can see inside. I don't know if there are four doors to that structure.

After Lunch.

In the museum I did not understand most of what the Khan said. I understood him to say he would make me a Pathani. That is what I remember best.

In the Police Court I left it out altogether and mentioned it on the second day after my evidence was read over to me. I left it out on the day I gave the account of my interview.

I left it out because I did not remember it at the time. I understood him when he asked for my ring. He did it like this (touching the ring and passing his fingers over mine).

Q.—Did he close his fingers on the ring.

A.—I don't understand what you mean. He made me no present of money or anything. Nor to Miss Coutts. He asked me for my gold ring and ear-ring. When I got up he said :—

"Why don't you let me look. I don't know what he wanted to see. I don't know whether he referred to the scarf or not."

When I told him I did not wish to stay there. He said

"... I understood he said "I did not want to stay there." He then asked me if he should tell Mr. King. I did not understand anything else. We came out afterwards.

Q.—You did not understand about the kiss.

A.—I did understand.

In the Police Court I said, I did not understand.

I understand the word "Bosa". I did not understand it at all. He pointed out his cheek.

I did not understand what a "Bosa" (word in vernacular) meant. I understood "to me".

I understood the word "Do" (word in vernacular) give.

I don't know the Chief's language is (word in vernacular), I thought Urdu.

I went to Rawalpindi willingly. So did Miss Coutts. I never asked to go to Rawalpindi because Mrs. King was going there. She never mentioned that she was suffering from abscesses and was going to Rawalpindi.

I was about 11 days at Rawalpindi before the police came. We had Rs. 112 paid to us on the day we arrived at Rawalpindi. When we left. Hoti Mardan after the museum incident I told Mr. and Mrs. King I wanted to go but they said "The Chief won't come near us for four or five months so don't go."

On the 1st of October we had enough money to go to Bombay if we wished. We did not go because we did not see any harm then.

We went to market at Rawalpindi and brought some provisions for ourselves. We went to the Post Office to post our own letters. We also went to the Telegraph Office. We walked about in the compound.

Sometimes we walked about on the road.

There was nothing to prevent us going out whenever we wished. Rawalpindi is the principal town of the district. There are many officials there.

I don't know if there is a Roman Catholic Mission there.

I don't know if there is a Convent School.

I never saw a Church. I never went to one. I did not go and ask any one for help because I had already written to Sister.

I did not write to Sister Superior till six days after our arrival. We knew nobody at all there.

We were willing to stop at Rawalpindi and did not want to come back to Bombay as the Kings told us that the Chief would not be there for 4 or 5 months.

We were told that we were to go to Hoti back in a few days. I did not express willingness. I would not have been willing. I would not have stayed at Rawalpindi for 4 or 5 months.

I had no qualification for a governess. (Shown letter of 6th October 1911, Ex. E.)

("or return back to Hoti Mardan from here" after staying at Rawalpindi till the 15th.)

I gave the Sister to understand that we were staying at Rawalpindi till the 15th and then either go to Murree for a couple of days or return direct to Hoti Mardan from there.

I don't remember if all telegrams and letters from Sister Superior were addressed to me at Hoti Mardan.

I see this telegram (Ex. G.) was addressed to me at Hoti Mardan. Letters were forwarded by King.

I received no letters from Sister Superior at Hoti Mardan. The only letter I got was forwarded to Rawalpindi by King unopened and in the original envelope addressed by the Sister herself. I wrote whatever letters I wished to the Sister Superior in Bombay. She received all my letters. I could have written to any of my friends and acquaintances I liked, or to any of my relations I liked. My parents are not alive.

As a shop girl I made friends and acquaintances in Bombay—not numerous. I wrote to two of them. Mrs. Schultz and Mrs. Palmer. I wrote to them from Rawal Pindi. I don't know on what day. Might be the same day as I wrote to Sister Superior. They were not able to do anything for me so I did not ask their assistance. I told them nothing of what I have said here. A Roman Catholic Priest came with Mr. Farquhar. I don't know why he brought the Priest with him. I told him that we had come as governesses. I believed that at that time. The Priest said we had been brought to lead the life of sin. That was the first time I learnt this. I had never seen the priest. Superintendent of Police said he had a warrant to search for two girls. He asked us if we were willing to go. He did not say we must go. He left it to us. I told the Commissioner's wife all that had taken place. We told her that the Khan had asked when he could come and do what he liked with us. We were then kept in charge of the Police. A Police sentry was stationed at our door the whole time we were there. We remained in police charge till we arrived at the home in Bombay. Police took us to the Home from the Railway Station. We arrived here on the 15th of October. We were in the charge of the Police from 11th to the 15th of October. We have been in frequent communication with the Police since.

I have spoken to my employer Dorosha King about my experiences at Hoti Mardan. I never told him in detail everything. I did not tell him all that the Khan had done was to put his finger on my cheek.

I did not tell him that the Khan had asked us when he could come and do what he liked. I simply told him we left because the Chief was not a good man. Never said anything about the Khan's conduct except that I told him that he did not behave as he should have.

(Ex. J., letter, dated 9th October). This gives a correct description of what the Khan did. It is true we kept well on our guard. The letter might imply he did not touch us, but he did.

No one was present at any of our conversations with the Kings. When King told me the Chief had said "Save yourself and save me", no one was present except our two selves and Mr. King. My pay was Rs. 130 out of which Rs. 30 were for messing. What Mrs. Parceller was to get I don't know. Miss Coutts went in place of the sick lady and she was to get Rs. 130 a month. I was to get Rs. 115 of which Rs. 15 was for messing. It was arranged that one was to get Rs. 130 and another Rs. 115. I get now Rs. 30. I got Rs. 25 at Whiteaway's. At Shilling Stores I got Rs. 35 a month.

It is true that we were anxious to stop on in the Khan's service because we were getting good pay.

King never said the Khan was going to keep us for a month because if he sent us up at once no one else would come there. King did not say that the Khan said we were not qualified as governesses and did not suit him.

The Kings were anxious that we should continue as governesses.

Mrs. King said she was to get 200 rupees for procuring two good governesses.

She said if we went back she would lose her two hundred rupees.

From the station the Khan went away in a dog cart. He had a syce. I don't know if he drove himself. It was a one-horse dog-cart. I did not see him get in. I did not see him after he was in the dog-cart. I saw a dog-cart at the station.

When Mrs. King came and told me the Chief was coming I had just come out of my bathroom. I was fully dressed. I had a white cotton dress on.

I put on smart clothes to come here both today and yesterday. I did not put on anything very smart for the Khan. I put on a silk blouse and skirt. I would put on good clothes if I was receiving any one of importance. While in Bombay I have never lived anywhere except at the Home since I left school. Mrs. Palmer used to be at the home. She was Miss DeSouza.

To the Court. I get board and residence for 10 rupees and when not employed I am not charged anything.

Examined by Mr. Wadia. I never knew King till I met him at Nowshera. I did not know Mrs. King before I met her in Bombay at the home. First time Mrs. King came to the home was about the 12th of September. It may have been on the 15th. She was dressed dirtily. She had no hat on. She had a dressing gown on then. On the next occasion she came in European clothes. I did go to the racecourse about 2 years ago from the Foundling Home, without the Sister Superior's knowledge. I was then employed at the Shilling Stores. I was not a constant visitor at the racecourse. I went there with a gentleman friend Cilento. Mr. King has been taking letters from my box and that is how he has come to know of things. He must have taken out some of Mr. Cilento's letters. I took letters with me in my trunk. I have not missed any. I have got those letters with me still. Cilento was engaged in a cinematograph, and I was latterly engaged to be married to him.

He left India on the 15th October 1910. I was engaged to him a year before he left. He was not a jockey. I went once or twice to the racecourse. I went about with him frequently quite freely and all alone. I used to go out after my tiffin. I used to meet him very frequently. I don't know of any scandal.

In the evenings I never went with him except to the Band. I never went to Cornaglin or Morigin's. The Sister Superior knew I was keeping him company. I never lived at Parel. My name will be found in the Register for the whole time I was in Bombay after I left school. I never got any letter c/o the Post Office, Mazagon. I do not know Miss Annie De Ga. I know one Rosie De Ga. She is no friend of mine. I did not tell King that I got my private letters addressed to the Mazagon Post Office which Rosie De Ga brought to me.

Rosie De Ga is an orphan. She teaches infants. I know Louis Buildings at Parel. Mrs. Palmer lives there. I don't know Cluy. Nor any one of that name. I only know Mr. Palmer.

Thursday the 15th February 1912.

C. W. KING & Co.

Elsie Swannell, further cross-examined by Mr. Wadia.—Mrs. Palmer was Miss DeSouza. She was in the convent and we were friends.

Before she married she lived with her brother at Parel. I did not live with her at Parel. I did go to Poona for the races with Mr. Cilento on one occasion only—quite sure. I stayed nowhere. I returned the same day by the 8 a.m. Express. I have never been at Poona for a month. I broke journey at Poona for a day when going to Belgaum. Never lived longer than a day at Poona. Mrs. Crawford is my grandmother at Belgaum. She is still there. I don't know that Cilento was a trainer. I don't know if he wrote in the early mornings. I never accompanied him. He was convicted of cocaine importing and was sent to jail. That was in July 1910. Two months while at Hoti I never heard anything of him. I never mentioned his name to King. I never mentioned Rosie De Ga or Louis Buildings, Fergusson Road, to him.

(Shown X.4) I read the letter Miss Coutts showed me.

All letters I received came through the Sister Superior. I cannot account for what is in the letter written by King. Mrs. Palmer told me she never said anything about what is in the letter. I have a brother. I don't know where he is at present. He used to be at Lanoni. I think I last saw him in August 1910. I have not heard from him, neither have I written to him. I did not fall out with my brother about Cilento. I don't get photographed often. I was photographed twice before this time. First time it may be two years ago. Second time was in 1908 when I was at the Telephone Company, with the staff. Recently I have been photographed again, that was in January last. I gave two or three sittings on two different occasions. That was on the 6th of January last. I paid nothing for the photos. I only had 3 copies. Demarre said he wanted them for his studio. He used to come to the shop. Shown 4 photos.

These are all my photos.

(4 photos collectively Ex. No. 1). The dresses in which I am photographed are not expensive dresses. It is one of my good dresses. All are in one dress. Some of the drapery was the Photographers. I did not know any one of the name of Bob Alton. I knew on the day I went to Bori Bunder that Mrs. King's real name was not Henderson. That was at 11.30 or 12 noon. Mrs. King did not tell me that the Chief had asked for one young and one elderly lady. She said one was to be assistant out of the two ladies required.

I did not hear Mrs. King say at the station that she would not take Miss Coutts. I heard her ask if she was Miss Coutts. Mrs. King was busy booking our boxes. She travelled in another compartment. She had two children with her. There were some men in our compartment. At Hoti Mardan I heard the Chief speaking to Mr. King in a language I did not understand. I don't remember the Chief speaking to Mrs. King at that station. He was speaking to her in language different from ordinary Hindustani. Mr. King said Chief said my photo was all right but the other lady's photo did not agree. I remember the exact words of the telegram from King to the Sister Superior, received on the 22nd of September. The words were:—

"Has Mrs. King left with Miss Elsie and Miss Dolly."

I don't know who Miss Dolly was. It was arranged from the very beginning that Mrs. Schultz was to go. While at Hoti I did not go out during the daytime. We never went out during the daytime. Mrs. King, 2 boy

and a girl were with her during the whole time we were at Hoti. I don't know if the doors of the museum were made of trellis work. I saw a door with wires something like doors at Railway station, not heavy zinc but perforated.

I don't know if the house we lived in at Rawalpindi was next door to a Police station. Miss Coutts hired a sewing machine at Rawalpindi. I bought two articles of clothes. Miss Coutts bought some clothes.

Re-examined by the Advocate General.

Before I was photographed it was decided that some one should go in place of Mrs. Schultz. The Chief's hand was intentionally near my breast on the occasion he visited us at our quarters. His hand came right across to my left.

We went into the garden through a bower with vines growing over it. It was an arch with creepers growing over it. There were also oranges. There was garden all round the museum, and there was a road, not a very long one, leading to the museum. His conduct was not like that of a father. The ages of Mrs. King's children were 8 and 3 and the other was a baby.

On 20th November 1911 I went into the service of Dorosha. I told him no details. I told him when I was called out that I was to go in connection with the case of the Chief. With that exception the subject of my visit to Hoti never come up for discussion.

To the Court.

The Police Superintendent told us at Rawalpindi there was no Rani. If there had been a Rani we would have stayed on. His statement that there was no Rani affected our desire and we said we were willing to go to Bombay. Four policemen successively travelled down by the train we came by and saw us at each station.

Daisy Coutts, sworn, examined by the Advocate General.

Note—As this stage I asked the Advocate General as to how this case was initiated in Bombay and under what process the two young ladies were taken charge of by the police and brought to Bombay. In the course of the discussion the Advocate General admits that the statement of the Police Superintendent deposed to by Miss Swannell as the one which induced her and Miss Coutts to agree to come to Bombay was false.

He further admits that there were no criminal proceedings whatever taken against the third accused when he arrived in Bombay and that they were instituted against him after his arrival in Bombay.

The Advocate General asked me to meet him and Mr. Inverarity and Mr. Raikes in the Judge's Library. I did so. There the Advocate General informed me that he would end the proceedings if I expressed an opinion that this was not a case that should proceed any further.

I declined to express any such opinion.

The Advocate General informs me that after very careful consideration he has come to the conclusion that he will withdraw this case and he informs the Court on behalf of the Crown that he will not further prosecute the accused on the charges on which they are under trial.

P. C.—I direct that all the accused be discharged and that such discharge shall amount to an acquittal.

ENCLOSURE No. 8.

Order of the Honourable Sir Dinshaw D. Davar, Judge of the Bombay High Court.

CROWN SIDE.

15th February 1912.

Emperor versus King and two others.

CORAM. THE HON'BLE JUSTICE SIR DINSHAW DAVAR AND COMMON JURY.

In this case I was prepared, long though the trial threatened to be, to hear the evidence up to the end and leave the case entirely to the Jury for disposal. I have studiously refrained from expressing any opinion during the three days that this case has been going on. This morning's discussion has led to this being found that so far as the Bombay Police were concerned, they have throughout these proceedings acted in a perfectly proper and legal manner. When the Khan of Hoti Mardan was sent down by the Upper India Police to appear here, before the Chief Presidency Magistrate, they took cognizance of the affair and placed the evidence at their disposal before the Magistrate.

It seems to me that in Upper India, from where he comes, the third accused has been subjected to a great many indignities and the procedure followed seems to me to be ununderstandable. The two young ladies, Miss Swannell and Miss Coutts, were for eleven days at Rawalpindi; they made no complaint whatever to the Police or to anybody else. Even assuming that the third accused tried to take liberties with them, those were liberties they did not seem to resent in any way, except by saying that they were not that sort of people. While they were there, the Police took no action whatever, no complaint was made to them. On information received by them from Bombay, which does not appear to be of an alarming nature, without any justification whatever, the Magistrate there issued a search warrant under which the Police took possession of the girls and sent them down to Bombay. Miss Swannell's evidence is clear that if the Superintendent of Police who executed the warrant had not made a statement which has been proved and is admitted to be incorrect, these girls would never have desired to come back to Bombay. They were perfectly at peace and were quite content to live at Rawalpindi or return to Hoti Mardan when the Police took possession of them, kept them in their custody and then sent them down to Bombay in police custody after representing to them that there was no Begam at Hoti, a statement which is admittedly untrue. The Khan is arrested on evidently nobody's complaint, and is asked to go down to Bombay to answer a charge when there was no charge whatever pending against him. The charge sheet was prepared after he arrived in Bombay. The whole procedure seems to me to be most irregular and arbitrary. I have heard with patience Miss Swannell's evidence for the last three days: and accepting every statement she had made to be true, the only impression that can be produced on one's mind is that there were certain acts of the third accused, which she apprehended to be the acts of familiarity, but they were acts of a most trifling nature. It must be remembered that the third accused, when the two girls were at Hoti, could have taken advantage of them, but beyond being a few minutes with them on three occasions he did not interfere with their liberty. He saw them first at the Railway station where his behaviour is admitted to have been perfectly proper and kind. He saw them in the house for a few minutes where he never even touched either of them. The next time he met them in the public garden, and what was said to be a museum turns out to be a summer house which is admitted by Miss Swannell to be surrounded by open trellis work, and the Khan could not have done anything improper there even if he had any desire to do so either in the garden or in the museum house.

Under these circumstances, I can only say that the course adopted by the Advocate-General is an exceedingly proper one, and is in keeping with the usual fairness with which he has always conducted Crown cases. I direct that all the accused be discharged and that the discharge may amount to an acquittal.

I have no hesitation in saying that the third accused, as well as the humbler two, will leave this Court without a stain on their character. Nothing that has transpired in this case during the last three days has justified the smallest reflection being cast on the good character of the two young ladies.

ENCLOSURE No. 9.

Statement of Mr. A. H. Grant, C.I.E., I.C.S., late Deputy Commissioner of Peshawar.

In December 1911 I was Deputy Commissioner and District Magistrate of Peshawar, and had been so for more than a year. On the 17th December 1911 I received from the Chief Commissioner, North-West Frontier Province, the letter from the Bombay Government, no. 9833-B., dated 8th December 1911, enclosing a statement by Miss Swannell with the endorsement—

"Transferred in original to Deputy Commissioner, Peshawar, for necessary and early action and return. G. R. K."

This letter from the Bombay Government stated that a complaint had been made to the Commissioner of Police, Bombay, that two girls, Miss L. C. Swannell, age 20, and Miss Coutts, age 22, had been abducted by a Mrs. King on the pretext that they were to be companions to the Rani of Hoti Mardan. On further enquiry the Bombay Government had ordered that legal proceedings should be taken against Mr. King, chauffeur to Khan Bahadur Khwaja Muhammad Khan of Hoti Mardan, and his wife Mrs. King under Section 366 of the Indian Penal Code. The Bombay Government further asked that the Chief Commissioner, North-West Frontier Province, would take such notice as he might consider necessary of the Khan of Hoti Mardan's objectionable conduct.

2. After the most careful consideration I decided that the only course open to me was to issue a warrant for the arrest of Khan Bahadur Khwaja Muhammad Khan under Sections 366 and 109, Indian Penal Code, i.e., for the abetment of the abduction of the said two girls.

3. My reasons for taking this action were—

- (1) Miss Swannell's sworn statement* incriminated Khwaja Muhammad Khan as much, if not more than Mr. and Mrs. King.
* Forwarded with the Bombay Government letter.
- (2) The Bombay Government had ordered the arrest and prosecution of the Kings under Section 366, Indian Penal Code.
- (3) The Bombay Government were obviously under the impression that the Khan was a Ruling Chief of sorts and therefore not amenable to the ordinary Law.
- (4) This was not so. The Khan is an ordinary rich land-owner. To accord differential treatment to the Khan merely on the ground of his wealth and position would have been obviously a travesty of justice.
- (5) I had corroborative evidence that the girls in question had actually been to Hoti.
- (6) I had further corroborative evidence that the Khwaja had personally met and examined the girls at the Mardan railway station.
- (7) I had further evidence that the Khwaja had no wife living for whom a female European companion could be required, and no young children for whom a governess was wanted.

(8) I had evidence that Mr. King, the Khan's chauffeur, was not in a financial position to have obtained the girls for himself and that the natural inference, therefore, was that he had acted, as alleged, under the Khan's orders in obtaining them.

This action was taken by me under Section 190-C. of the Criminal Procedure Code. I considered that the evidence detailed above was sufficient to justify the Khan's arrest, and that no other course was open to me. As regards the section under which I ordered this arrest, I was guided mainly by the fact that the Bombay Government had ordered the prosecution of the Kings under Section 366 and considered it logical, therefore, to issue a warrant against the Khan under the same Section, coupled with Section 109, abetment. I hold that the evidence before me left me no alternative but to act as I did, and this view is substantiated by the fact that it was on this evidence, mainly, that the Chief Presidency Magistrate, Bombay, subsequently committed the three accused to trial by the Bombay High Court.

5. The warrant was issued under my own hand and was given by me personally to the Superintendent of Police, with special instructions that the arrest should be effected in the most unostentatious manner by a British Police Officer and that every consideration should be shown to the Khan. That these instructions were carried out is clear from the statement, dated 24th April 1912 of Mr. Woodhouse, Assistant Superintendent of Police, who effected the arrest on the 20th December 1911.

6. As regards bail, I very fully considered this question before issuing the warrant and came to the conclusion that I could not allow bail for the following reasons :--

- (1) The offence charged was non-bailable.
- (2) I considered that there were reasonable grounds for believing that the Khan had been guilty of the offence of which he was accused.
- (3) Peshawar is situated on the border and offers every facility for the escape of accused persons to the asylum of Afghanistan or the tribal hills. Indeed so common is the habit of persons absconding from justice that bail is practically never allowed on the frontier in non-bailable offences. There are many instances of rich men flying from justice to Kabul, where they usually meet with a friendly reception.
- (4) The Khan was very rich and there was reason to believe that he might use his great wealth to tamper with the evidence.

The nature of the offence, the extent of the evidence, the peculiar conditions of the Peshawar border, the wealth of the accused, seemed to me to preclude the possibility of allowing bail in this case, and I would note that although the peculiar border conditions did not exist in Bombay, the Chief Presidency Magistrate subsequently took a similar view and refused bail. I would also note that after the Khan's arrest applications for bail were duly submitted to my Court and to that of the Sessions Judge and were, after full consideration, disallowed. My reasons for disallowing bail were fully recorded in my orders of the 27th and 28th December.

7. Exception has been taken to the fact that I did not record the Khan's statement immediately after his arrest. When he was brought to my house on the evening of the 20th December I happened to be out, and after full consideration I did not think it desirable to subject him to the indignity of being brought to my Court the following day unless it should appear that his statement would materially affect the case. To ascertain whether this could possibly be so, I deputed the Superintendent of Police to go to the jail and there record the Khan's statement. This statement, as recorded on the 22nd December by Mr. Tomkins, Assistant Superintendent of Police, showed that the Khan merely denied all connection with the matter. I, therefore, saw no object in subjecting him to further examination, and a few days later, when I asked his Counsel, Mr. Grey, if he would like me to do so, he replied that this was unnecessary.

As regards the Khan's treatment in jail, I would call attention to the statement by Captain Thorburn, I.M.S., then Superintendent of the Peshawar jail, which is on the file. It will be seen from this that the Khan was accorded most exceptional treatment and given every comfort and facility for seeing his friends which was compatible with jail discipline. I issued very careful instructions to the Superintendent of the Jail on the subject, and saw him several times to ensure that these instructions were carried out.

8. As regards the minor point of the telegrams from the Khan to His Majesty the King, the Viceroy, etc., which were sent to me by the Telegraph Department for orders as to whether they should issue or not, I replied immediately that they should issue. If there was any irregularity in the matter I was not concerned in it, but I should mention that the Khan's son, Lieutenant Muhammed Akbar Khan, came to see me the next day and explained that he strongly disapproved of the telegrams and had himself withdrawn them. Whether this was so or not I cannot say, but I assured him that I had no objection whatever to his issuing any telegrams he liked to any authority he liked on the subject of his father's arrest, which was in accordance with the law.

9. Finally, I would note that the action taken by me was taken entirely upon my own responsibility as District Magistrate and without consultation with higher authority; that I acted *bona fide* and without the smallest prejudice. Indeed it was a painful duty to me to have to order the arrest of a man of high standing in my district whom I had known for many years, but one which, in the circumstances, appeared to me imperative.

SIMLA;

The 19th June 1912.

A. H. GRANT,
Deputy Secretary to the Government
of India in the Foreign Department
(late District Magistrate, Peshawar).

ENCLOSURE No. 10.

Statement of Mr. N. S. Woodhouse, Assistant Superintendent of Police.

On 20th December 1911 I received a warrant issued by Deputy Commissioner, Peshawar, for the arrest of Khwaja Muhammad Khan of Hoti under section 266, Indian Penal Code, to the Superintendent of Police, Peshawar, and by him endorsed to me. The warrant was non-bailable. I took it with me to the house of Khwaja Muhammad Khan and told his servants I wanted to see him. They said he was ill, but when I said my business was urgent they told him and in a few minutes I was admitted to his room where he was lying in bed.

I told him that I had the unpleasant task to perform of arresting him and conveying him to the Deputy Commissioner, and produced the warrant. He at first replied that he was too ill to go but when I told him that if the Civil Surgeon, whom I should have to summon to examine him, certified him to be too ill to go to Peshawar, I should have to put a police guard on his house, he said that he thought he would rather go to Peshawar with me. I then said I had a tonga with me but that if he had a phaeton and he liked to use it we would drive to the station in that. As he had no phaeton we drove in my tonga, his own dogcart followed with some servants and luggage.

We travelled to Peshawar in a first class carriage, Khwaja Muhammad Khan speaking about the case from time to time. On arrival at Peshawar Cantonment Station we were met by Superintendent of Police, Peshawar, who had a 1st class phaeton waiting for us. I drove off with Khwaja Muhammad Khan to the Deputy Commissioner's bungalow where written orders were handed to me to the effect that Khwaja Muhammad Khan should be placed in the jail. We accordingly drove to the jail where he was handed over to the jailor.

From the moment of his arrest to the time of his entering the jail, there was no mention or thought of the use of handcuffs, and I treated Khawaja Muhammad Khan with all the courtesy and consideration possible.

(S.I.) N. S. WOODHOUSE,

Assistant Superintendent of Police.

Dated the 24th April 1912.

ENCLOSURE No. 11.

Statement by Captain H. Hay Thorburn, I.M.S., Civil Surgeon, Wana, dated 23rd April 1912.

1. I have the honour to forward herewith a statement of the treatment accorded to Khawaja Muhammad Khan during his incarceration in Peshawar jail, of which I was in charge at the time.

2. I was Superintendent of Peshawar jail when Khawaja Muhammad Khan was admitted as an under-trial prisoner. Instead of putting him in the *hawalat* with the rest of the under-trial prisoners he was put alone in a separate ward in the jail hospital. He made certain requests and I personally went to the Deputy Commissioner to find out what concessions, if any, I was authorised to make.

The points that were discussed were as follows :—

- (i) What interviews with friends were to be permitted, as the jail rule is to the effect that under-trial prisoners are allowed two interviews weekly for a quarter of an hour each for two friends in the presence of a jailor or assistant jailor. The Deputy Commissioner directed that he should be allowed an interview daily for one hour for four friends, provided it did not interfere with the jail administration.
- (ii) He had asked for his private servant but owing to difficulties in allowing this I suggested that he should be allowed to choose any prisoner in the jail who would be told off to work for him. This was agreed to.
- (iii) The jail rule is that under-trial prisoners are not allowed to have food supplied to them by their friends. Was this to be insisted on in his case? and, if so, was he to be allowed to order what he liked? He had demanded an absurdly large amount of meat, cream, etc., more than one man could eat, which would have been most injurious to him as he was suffering from gout. It was arranged that he should tell his own cook to prepare what food he wanted outside the jail and that it should be brought in to him. Also that he could get soda water, etc., as he wanted.
- (iv) He asked for certain articles of furniture, bed, commode, fire, etc., which were allowed.

He had an attack of acute gout while in jail, so I examined him daily and prescribed for him and directed him about his diet. His general attitude was troublesome and he refused to take the medicine prescribed for him and his food. He also made complaints about the watchmen calling to each other at night.

I explained to him that, while giving him as much law as possible, he could not be allowed to interfere with the jail administration and I further explained that if he continued to give trouble by refusing to take his medicine and food, his interviews would be stopped as I was afraid his health would suffer if he continued the obstinate course he had adopted.

This course had to be adopted for a day or two until he took a more reasonable point of view.

ENCLOSURE No. 12.

In the Court of the Judicial Commissioner, Peshawar.

THE KING EMPEROR

versus

KHAN BAHADUR KHALWAJA MUHAMMAD KHAN.

PETITION UNDER SECTION 498, CRIMINAL PROCEDURE CODE.

Sheweth :—

1. That your petitioner was on the 20th December 1911 arrested on a warrant issued by the District Magistrate of Peshawar on a charge under sections 109 and 366.
2. That your petitioner has never been brought before a Magistrate, nor has any evidence, so far as he is aware, been recorded before the District Magistrate or any other Magistrate of the Province.
3. That petitioner is informed that the warrant of arrest was based upon a statement made to the Bombay Police which has been shown to his counsel.
4. That petitioner is further informed that a question has arisen as to whether proceedings are to be taken against him and other persons in Peshawar or in Bombay and that the delay in placing him before a Magistrate is due to the consideration of this question.
5. That petitioner submits that his arrest and detention under these circumstances is illegal and unreasonable, and prays that he may be released on bail, at all events until such time as some evidence has been recorded by a court of competent jurisdiction justifying the belief that he has committed any offence.
6. Your petitioner's position in Hoti is well known. He is an old man, suffering severely from gout and his health is likely to be impaired by confinement.

(Sd.) ARTHUR GREY,

Barrister-at-Law,

The 27th December 1911.

*Counsel for petitioner.**In the Court of the Judicial Commissioner, North-West Frontier Province.*

JUDICIAL DEPARTMENT.

CRIMINAL REVISION No. or 1911.

Date of hearing December 27th, 1911.

Application by Mr. Arthur Grey, Barrister-at-Law, C.I.E., and by M. Saaduddin, Pleader.

Ex parte application.

READ—Application of this date, attached, by Mr. Arthur Grey, for the applicant, Khalwaaja Muhammad Khan, Khan of Hoti, for the release of the applicant on bail.

Noted that an application for bail has been made to and refused by the District Magistrate, and, as is understood by learned counsel for the applicant, to the Sessions Judge, Peshawar, also.

Noted also that learned counsel represents that owing to the closing of the District Courts during the Christmas vacation he has not been able to obtain copies of the warrant or evidence or statements against the applicant. Mr. Grey has however seen these papers in the District Magistrate's office, by the courtesy of the District Magistrate.

Noted also that counsel for the applicant states that the applicant is willing to give bail in any sum considered reasonable by the court.

Ordered under section 498 of the Code of Criminal Procedure

That the record be sent to this court by the District Magistrate of Peshawar at his earliest convenience. The application will be taken into consideration by this court as soon as the record is received, when the District Magistrate should arrange that the Crown be represented if it is considered desirable that the application should be opposed. As Mr. Grey states that he is compelled to leave Peshawar tonight, this court will be obliged if the action directed can be taken this day, if this be possible. This court notes the contents of the second paragraph of the application before it to the effect that the applicant has not yet been produced before a magistrate although he was arrested on December 20, 1911.

(Sd.) A. L. P. TUCKER,

27th December 1911.

Judicial Commissioner.

A copy of the foregoing proceeding, with the application, in original, to be returned, is forwarded to the District Magistrate, Peshawar, for favour of very early action.

(Sd.) A. L. P. TUCKER,

27th December 1911.

Judicial Commissioner.

I have seen the District Magistrate regarding these proceedings.

I learn that the application for bail will be opposed; that time is required for the instruction of Counsel; that the applicant will be placed before a magistrate having jurisdiction tomorrow. In these circumstances I suspend my order calling for the record of the case. The application can be renewed when the proceedings are more complete.

(Sd.) A. L. P. TUCKER,

27th December 1911.

Judicial Commissioner.

Mr. Arthur Grey, Barrister-at-Law }
Mr. Saaduddin, Pleader } for applicant.

READ—Order by the District Magistrate, Peshawar, dated December 27, 1911.

Proceedings in the court of the Sub-Divisional Magistrate of, Mardan of the 28th idem.

Order by the District Magistrate of the same date.

Copy of statement attached to the first mentioned order.

Ordered under section 498 of the Code of Criminal Procedure that the applicant, Khwaja Muhammad Khan, of Hoti, Khan Bahadur, be admitted to bail on his own bond for rupees fifteen thousand, with one surety for the same amount, to appear when called upon to answer the charge, before the court of the Sub-Divisional Magistrate, Mardan, or any other court by which cognizance may be lawfully taken of the case against him.

As to the order under section 185 which I have been moved to issue, learned counsel for the applicant not objecting, I cannot take action at present. When copies of the magisterial proceedings and evidence recorded in Bombay are available, this court should be applied to again. No doubt it may be an advantage if there be only one trial, more particularly if the co-accused King and Mrs. King should be European British subjects. But at the present stage the information before me is not sufficient to justify the issue of the order. The Sub-Divisional Magistrate of Mardan, before whom the case is now pending, should issue remand orders from time to time, as may be necessary, until the question of jurisdiction is settled.

(Sd.) A. L. P. TUCKER,

29th December 1911.

Judicial Commissioner.

A copy of the foregoing order is forwarded for information and necessary action to the District Magistrate, Peshawar. The record is returned, the original bail application to this court and the copy of the statement of Miss E. Swannell being retained.

A copy of the order is forwarded for information to M. Saaduddin Pleader, for applicant.

(Sd.) A. L. P. TUCKER,

29th December 1911.

Judicial Commissioner.

ENCLOSURE No. 13.

No. 83, dated the 1st March 1912.

From—The Revenue Secretary to Government, Punjab,

To—The Chief Secretary to the Government of Bombay.

I am desired by the Lieutenant-Governor to address you with a view to the correction of certain statements of fact made recently in the Bombay High Court with reference to the conduct of the Rawalpindi Police in connection with the case against the Khan of Hoti Mardan and others for abducting two girls from Bombay.

2. It will be seen from the copy of the telegram dated the 9th October 1911, from the Bombay Criminal Investigation Department to the Superintendent of Police, Rawalpindi, that the Bombay police alleged that the two girls had been taken from the Foundling Home at Mazagaon ostensibly to attend on the Rani of Hoti Mardan, but that it appeared from letters received that there was no Rani and that the girls had been taken away for immoral purposes. The Sister Superior expressed a wish that the girls might be interviewed. It was possible that they were being kept under restraint. If willing, they should be returned to Bombay.

3. On this information the Superintendent of Police, Rawalpindi, thinking it probable on the information received, that the girls were actually being kept under restraint, very properly obtained a search warrant from the District Magistrate under section 100, Criminal Procedure Code, and interviewed the two girls. The girls stated that they had on one or two occasions asked for the Rani but had not yet seen her, whereupon the Superintendent of Police informed them of the statement in the telegram from the Bombay Police to the effect that there was no Rani. The girls were then placed in a hotel, under a police guard, to prevent their being molested, and the Bombay Criminal Investigation Department were informed of the facts.

From the telegram from the Bombay Criminal Investigation Department, dated the 11th October, it then appears that the Superintendent of Police was requested to entrain the girls for Bombay, the Railway Police being made responsible for their safe custody. The Superintendent of Police, Rawalpindi, complied with this request and his connection with the case ends here.

4. It will thus be seen that the action of the Superintendent of Police, Rawalpindi, was throughout correct. The Superintendent of Police merely complied with the wishes of the Bombay Police and was thanked by them for the prompt action which he took in the matter.

5. The remarks made by the Hon'ble Mr. Justice Davar and by the Advocate General in the course of the trial appear to Sir Louis Dane to have put an entirely different construction on the action of the Rawalpindi Police. It was not correct to say that the girls were arrested. The Railway Police were merely directed at the request of the Bombay Criminal Investigation Department to see them safely on their way. Nor was any complaint made by the Rawalpindi Police, who merely reported the circumstances of the discovery of the girls and repeated to them the allegations of the Bombay Police.

The Rawalpindi Police had nothing whatever to do with the sending of the Khan of Hoti Mardan to Bombay. His Honour further considers that it is a grave injustice to the Superintendent of the Rawalpindi Police to say that he induced the girls to leave Rawalpindi by a statement which is proved and is admitted to be incorrect. The Superintendent of Police merely repeated the allegation of the Bombay Police that from letters received by them it appeared that there was no such lady as the Rani. If this allegation was incorrect, the fault surely lay with the Bombay Police who had made it.

6. I am now to request that if His Excellency the Governor sees no objection, the Advocate General may be moved to mention the matter in the High Court with a view to the correction of what His Honour can only regard as a wrong presentation of the facts of case. His Honour considers that a public declaration of this nature in open court is the best of amends to meet the case. If this is not possible a communiqué by the Bombay Government, if His Excellency approves, might be sufficient.

ENCLOSURE No. 14.

Statement of Khwaja Muhammad Khan of Hoti made before the Superintendent of Police, Peshawar, on 22nd December 1911.

I was informed at the "Id-ul-Zuha" fair that there were two European girls with Mr. King, my motor driver, and that they had come the night before. I sent for Mr. King and asked him who the girls were and why they had come. He said that the girls were related to him and had been called by him to look after his children. I told him to send them back because the bazar was not a good place for them to live. I also told him to send off his wife somewhere else. He said that he would send them that evening. On the same night I heard that they had left. On cross-examination:—I did not know about the arrival of the girls. I went to the railway station to receive Rai Ram Chand, who had to come to Mardan that night. At the railway station I received a wire from Rai Ram Chand that he would not come. The wire was first sent to my house for delivery and was brought to me at the railway station. I then returned home. The train had not then come. I was not present at the station at the arrival of the train. Two or three days after this I heard that there were two girls with Mr. King. King gets Rs. 150 per mensem and free food and lodging from me. In the days of Durbar when I was at Delhi, some police officer came and enquired about King. The policeman had a wire with him for the arrest of King and his wife, but they were not arrested. I had informed King that the police were searching for him. I thought it was a matter about an assault on the two girls, but King told me that he had got letters from the girls (some there and some at home) asking him to send for them again. I have stated all that I remember. No money is due to King from me. He had long intended leaving my service and going over to some other Nawab. Bawa Prem Singh told me about this.

(Sd.) E. W. TOMKINS,
Superintendent of Police.

ENCLOSURE No. 15.

Extract from "The Tribune" dated Lahore, 15th March 1912.

THE KHAN OF HOTI AND THE PESHAWAR ISLAMIA COLLEGE.

Translation of a letter, dated 5th April 1911, from Sirdar Mir Alam Khan Sahib, E.A.C., Peshawar, and Moulvi Ghulam Hassan Khan, Sub-Registrar and Honorary Magistrate, Peshawar, Members of the Deputation for collecting funds for the proposed Islamia College, Peshawar.

To Khan Bahadur Khwaja Muhammad Khan of Hoti.

RESPECTED SIR—Greetings! Mr. Ghulam Samdani Khan came here to-day and related the facts. He will deliver to you personally message about the matter known to you already.

Sirdar Mir Alam Khan and myself have given due consideration to the present state of affairs and have devised a plan for your benefit. First of all, we assure you that there is no other motive but that your reputation may be enhanced, and that the misunderstandings and the dark clouds which are hanging over your honour and position may be removed. The uppermost idea in the mind of the Chief Commissioner at present is that some one may come forward to help him in establishing the Islamia College and there are good many things about it which cannot be described at present. But this much is certain, that if any respectable and wealthy gentleman may come forward to give him his hearty support in this cause there is not a shadow of doubt that the Chief Commissioner will try his level best to raise the dignity and position of that gentleman. Although we know it very well that you are personally against the scheme of establishing this College, yet you should act in subjection to the present circumstances, keeping aside all your personal feelings at present.

Very little of your life is left and if in your lifetime you spend something by your own hand out of what God has granted you, in a cause by which your good name may remain behind you, it would be better than if your property falls to those hands whom you do not wish to spare a single pie at present. And if portion of your riches is spent by you in deeds of charity, it would affect you very little. Otherwise your accumulated wealth cannot be used to any noble purpose which may be the cause of your real happiness. If having made up your mind you send a letter to the Chief Commissioner promising therein that you would pay the cost of the plot of land required for the College premises, out of your own pocket, this would be the best prescription to remove many suspicions existing about your person. This act on your part will not only be advantageous to you, but even your descendants will continue to be benefited to a great extent. Good many wise and far-sighted gentlemen are spending lots of money in this manner, and though the sum which you shall have to spend will be nothing in comparison with your status and position, but as you will be the first man in the province to come forward for this call, therefore, your rank and position will be far preferable to that of the gentlemen who will only follow your suit. You may also bear in mind that though people know very little about this at present, many of them would be coming forward with such requests ultimately. In our opinion this will be the best chance for you. If you agree with us in the matter then please write to the Commissioner directly on the subject, losing no time and inform us only about your wish.

(Sd.) MIR ALAM KHAN, GHULAM HASSAN.

Extract from "The Tribune" dated the 15th March 1911.

BEHIND THE SCENES IN THE CASE AGAINST THE CHIEF OF HOTI.

So far we have dealt with the proceedings in the Court of the District Magistrate of Peshawar, and we have seen the kind of law and procedure that is to be found in the Frontier Province. But the interest displaying in this

case by the Administration was quite exceptional. The Khan was admitted to bail by the Judicial Commissioner of the Frontier Province and he proceeded to Bombay to meet the charge which was not prepared until after his arrival there. As soon however as the case came up before the Chief Presidency Magistrate of Bombay the Khan came under the jurisdiction of that Court and all connection between him and the Frontier Province Administration ceased. The warrant issued by the District Magistrate, Peshawar, became inoperative and mere waste paper and the Khan ceased to be answerable to the Courts of the Frontier Province. Instead of realising this and letting the Khan alone the Administration sent down three police officers, one Assistant Superintendent and two Inspectors, to Bombay to help the prosecution. It is impossible to conjecture what help these officers could have given. The charge was abduction and abetment of abduction and the offence was alleged to have been committed in Bombay. It was not denied that the girls had gone to Mardan. What evidence could these Frontier police officers give and how would their evidence be relevant? It was sheer waste of public money and displayed quite an extraordinary and unaccountable zeal in a case with which that Administration had no concern. At Peshawar no lawyer would take up the Khan's case and he had to take counsel from Lahore. The Khan was rightly anxious that the case should be tried at Bombay. When the case did come up in Bombay the Frontier police had nothing further to do with the case. In the Frontier Province there is not such an array of police force even in cases of murder, which are quite common, but in a case of abduction which had taken place at Bombay and with which the Bombay police were quite competent to deal no less than three police officers including a European officer were sent down to watch and help the proceedings.

We have referred to the zeal displayed in this case as extraordinary and unaccountable. Extraordinary it certainly was but not accountable, for it seems that the authorities of the Frontier Province had not a good opinion of the Khan. On the 17th February the *Indian Daily News* wrote:—'The Muhammadan community all over India has been watching the Hoti-Mardan case with intense anxiety because it was pretty generally known to them that it was a false charge and the failure of the Khan to subscribe to the Islamia College, Peshawar, had a good deal to do with it'. It should be mentioned here that the Khan had been acquitted by the Bombay High Court on the 15th February. What are the facts about this Islamia College business? It is a known fact that Sir George Roos Keppel, the Chief Commissioner of the Frontier Province, is very keen about the establishment of this College and his object is very laudable. For reasons into which we need not inquire the Khan of Hoti holds a different view on this subject and he has not subscribed to the funds of the College. *In April 1911 the Khan received a letter inviting him to subscribe to the College. The letter bears no date but the postal marks on the cover are April 5, Peshawar, and April 6, Hoti.* It is signed by Mir Alam Khan, Extra Assistant Commissioner and Revenue Officer, Peshawar, and Moulvi Ghulam Hassan Khan, Sub-Registrar and honorary magistrate, Peshawar. The letter is in Urdu and a rough translation will be found in another place. In this letter it is distinctly hinted that the Khan is under a cloud and that this cloud will be removed if he subscribes to the College. Of course there is no suggestion that there is any connection between this matter and the case, but the Khan knew and others knew that he was not in favour with the authorities.

It must be remembered that so far as we are concerned it is quite immaterial whether the Khan is a rich or a poor man. All men are equal in the eyes of the law and the grievances of every man are entitled to ventilation, if they are of the nature of a public grievance. If therefore we mention the social or personal position of the Khan it is not with the intention of investing him with an undue importance. But we think that every humane person will be disposed to sympathise with an old man of seventy, almost infirm and suffering from an incurable disease, who is thus harassed without cause and put to heavy expense to defend himself. A man of seventy is nearly at the end of his life and it is not unreasonable to inquire what kind of character he has borne throughout his career. The Khan was never accused of any offence in his life, he belongs to one of the highest families in his district, he has taken measures to ensure the safety of his numerous tenants, Hindu and Muhammadan, and he holds the highest testimonials from numerous officials. He got a certificate from the Viceroy on the 1st January 1877, in recognition of his val-

able services in political matters connected with the people of Swat. Sir Lewis Pelley acknowledged his assistance when he was conferring with the Envoy from Kabul in the same year. Every Commissioner and Assistant Commissioner gave him high credentials. Lieutenant A. H. MacMahon, now Sir Henry McMahon, Foreign Secretary to the Government of India, wrote in the highest terms of the Khan. He said :—‘ I look upon Khwaja Muhammed as a personal friend, and hope to hear nothing but good of him.’ He was made a Khan Bahadur and an honorary Magistrate. He received complimentary and congratulatory letters from Sir Mackworth Young, Sir Louis Dane (then Chief Secretary to the Punjab Government), and officials of the Frontier Province. He presented a number of horses to Lumsden’s Horse when the troop went to South Africa for the Boer War.

How does it then happen that he lost all this favour ? To this only one answer can be found, though it is a most startling answer. In 1901 Major G. Roos-Keppel, Political Officer, Khyber Pass, brought out a book called *A Manual of Pushtu*. Major Roos-Keppel is now Sir George Roos-Keppel. In this book there are lessons on colloquial Pushtu with English translations enabling the learner to sustain a conversation in Pushtu. To give a local colour local subjects are introduced. And one of the persons mentioned in the course of the different conversations is unmistakably the Khan of Hoti. A little introductory explanation is necessary. The Khan of Hoti is not on good terms with Khan Bahadur Ibrahim Khan, another landholder in Mardan. This was known even to Sir Henry McMahon who in the course of the letter already quoted, wrote :—“ The unfortunate faction between him and Ibrahim Khan, Khan Bahadur, still exists, but I am happy to say I was not troubled by it in any way during my time at Mardan, and factional feelings, owing to the admirable self-control of Khwaja Mahomed Khan, have not been allowed to work up again.” Now in this Pushtu Manual (pages 202 and 302) there is high praise of Ibrahim Khan in the fragmentary colloquial sentences. Immediately below them comes the following :—“ That fat man is the Khan’s enemy. He has bribed all the police and Tahsil officials, who make up cases against the Khan.” The Khan of Hoti is a stout man and the reference here is to him. But there are other sentences which do not admit of any doubt or equivocation. On page 213 is the following :—“ Whose house is that ? It is Khwaja’s house, where his father fed guests. He would never give a piece of bread to any one. All the people dislike him very much. He is stout and a miser.” Only one man in the Frontier Province is known as Khwaja and that is Khwaja Muhammad Khan of Hoti. But the identity becomes clear and more unmistakable as we proceed to other passages. On page 217 occur the following passages :—“ Who is that fat man ? He is the Khan of Hoti. He is owner of ten thousand jaris of irrigated and fifteen thousand of unirrigated land..... His village is situated on the left bank of the stream. He has two water-mills, two mosques, and three guest-houses. But no one gets any food out of him.” Finally, on page 231 :—“ Who is that stout Khan ? He comes from the Mardan Tahsil. His cultivators call him a great tyrant.” The Khan himself knew nothing of these passages until the book was put in his hands by a European in Bombay while the trial was going on.

Here again of course there is no connection between the book and the case, but it is not difficult to imagine what an amount of prejudice the foregoing passages must have created against the Khan. Every officer in the Province has to read this book and every officer must be believing what is set down against the Khan of Hoti. Sir George Roos-Keppel did not even know the Khan when the book was written. And of course he is safe from the law of libel in his own Province. But the effect that these passages have produced is that the Khan has advertised his property for sale and has decided to leave the home of his ancestors and pass the few years of life left to him in peace somewhere in the Punjab.

ENCLOSURE NO. 16.

Extract from a letter from the Secretary to the Government of India, Home Department, to the Honourable the Chief Commissioner and Agent to the Governor-General, North-West Frontier Province, No. 662, dated 22nd April 1912.

I am directed to forward a copy of three questions in Parliament on the subject of the abduction charge against Khwaja Muhammad Khan of Hoti, Mardan.

ENCLOSURE No. 17.

No. 337-P., dated Peshawar, the 2nd May 1912.

From—The HONOURABLE LIEUTENANT-COLONEL SIR GEORGE ROOS-KEPPEL, K.C.I.E.,
Chief Commissioner, North-West Frontier Province,

To—V. DAWSON, Esq., Under Secretary to the Government of India, Home Department.

I have the honour, with reference to your letter no. 662 of the 22nd April, in which you ask for a report on the subject of the questions asked by Mr. MacCallum Scott in the House of Commons, to state that the charges raised by him appear to be—

- (1) that Khan Bahadur Khwaja Muhammad Khan of Hoti was arrested and imprisoned without sufficient cause, that he was subjected to many indignities and that the procedure in the case was irregular and arbitrary;
- (2) that a letter was sent to Khwaja Muhammad Khan on the 5th of April 1911 by a Government servant and an honorary magistrate, asking him with menaces in the name of the Chief Commissioner to subscribe to a fund for the proposed Islamia College at Peshawar; also that Khwaja Muhammad Khan refused to subscribe to the scheme, and that shortly afterwards he was arrested, etc.;
- (3) that I had written a book called the "Manual of Pushtu" in which I made offensive personal allusions to Khwaja Muhammad Khan.

2. I have, I think, completely disposed of questions (1) and (3) in my letter no. 317-P. of 25th April 1912, to the Secretary to the Government of India in the Home Department. There remains, therefore, only the question of the letter of Messrs. Mir Alam Khan and Maulvi Ghulam Hassan to the Khan.

My first information that such a letter had ever been written was derived from the Press and, when I saw in the English papers the questions asked by Mr. MacCallum Scott, I directed the Deputy Commissioner of Peshawar to call upon the two gentlemen who were supposed to have written the letter for an explanation, which I have now received and forward herewith. I also attach

*Enclosure no. 15.

a copy* of the "Tribune" giving what purports to be a translation of the letter in question.

You will notice that the article in the "Tribune" which is headed "The Khan of Hoti and the Peshawar Islamia College" begins with the words:—

"Translation of a letter, dated the 5th of April 1911, from Sirdar Mir Alam Khan Sahib, Extra Assistant Commissioner, Peshawar, and Maulvi Ghulam Hassan Khan, Sub-Registrar and Honorary Magistrate, Peshawar, members of the deputation for collecting funds for the proposed Islamia College, Peshawar, to Khan Bahadur Muhammad Khan of Hoti."

Although, in a leading article in the same newspaper on the subject of this letter, the words occur:—

"The letter bears no date, but the postal marks on the cover are April 5th, Peshawar and April 6th, Hoti."

3. It now appears that the letter in question was written in the spring of 1910 and not in 1911 and that either the date has been erased or suppressed in order to suggest that the letter is connected with the recent case of King-Emperor *versus* Khan Bahadur Khwaja Muhammad Khan, or else that the letter was really undated, which is possible, though not probable. The statements of the two signatories are corroborated by my own enquiries and by the sequence of events. Khwaja Muhammad Khan's possession of an envelope bearing a date of last year is accounted for by the fact that he was then in active correspondence with Maulvi Ghulam Hassan, in the latter's capacity as

a priest, on the subject of the marriage of one of his relatives. After careful enquiries I have no hesitation in accepting the statement of the writers that this letter was written in 1910.

4. It has been assumed throughout this correspondence that the inception of the Islamia College, Peshawar, was due to me, and I should be glad indeed could I claim the credit. This is, however, entirely due to the generosity, racial patriotism and public spirit of a small band of gentlemen of position, leaders of the Muslim community of this Province, who approached me in 1909 with a suggestion that something should be done to bring the education of Muslim boys of the frontier into line with that of other great communities in India. I received their suggestion with pleasure and assured them that I would encourage them in this good work in the same way as I have always encouraged education, whether conducted by Missionaries, Muhammadans, Hindus, Sikhs or by the Arya Samaj. I pointed out, however, that their proposals were very nebulous and that, before I could make any recommendation to the Government of India on their behalf, they must show, by preparing a definite scheme and by raising subscriptions, that they were really in earnest. At this stage I left for England in November 1909, after commending the cause of education in general and of this great project in particular to my successor, who I knew would sympathize with anything tending to increase the prosperity—material and moral—of the people.

In the spring of 1910 my successor received a deputation from the promoters of the Islamia College. He discussed the matter with them and answered them much in the same terms as I had, that is to say, he informed them that he could do little or nothing to help them until they had gone beyond the stage of discussion and could show something definite, either in the shape of land for a site or of subscriptions, as earnest of their desire to help themselves. I may add that Khwaja Muhammad Khan was a member of this deputation.

5. At that time no rules were in existence forbidding Government servants to collect subscriptions, for philanthropic institutions, indeed it had been quite common throughout India for even the highest officials to head such appeals. Maulvi Ghulam Hassan, who, I may remark, is not a Government servant though he draws a small stipend as registrar, was a personal friend of Khwaja Muhammad Khan and was in constant correspondence with him through Ghulam Samdani Khan, the Khan's agent, on the subject of the marriage to which the first paragraph of the letter refers. I do not doubt that he wrote the letter in good faith and with the view of benefiting Khwaja Muhammad Khan in the eyes of the public and of the authorities. Sirdar Mir Alam Khan happened to be in Peshawar at the same time and, being a great personal friend of his, also signed the letter to strengthen his persuasions.

6. After my return from England on the 30th October 1910, I was repeatedly visited by deputations regarding the college and their proposals showed signs of taking definite shape. It was not until April 1911 that a committee was formed to collect subscriptions and, although the scheme had no official origin or "imprimatur", I was careful to warn the committee to do nothing which could suggest to the people any kind of official pressure. In fact I foresaw and explained to the committee that any connection of Government with the scheme would doom it to failure, as this would arouse the ever ready suspicions of the priestly class, who always suspect Government of some ulterior motive. This the committee fully understood and they agreed that their first care should be to obtain the support of the Mullahs, as without it their scheme could not succeed. In this and in the collection of subscriptions they were extraordinarily successful. The committee sent deputations to different parts of the Frontier Province to collect subscriptions and in each place the Mullahs were at the head of the movement, a clear proof, if any were needed, that the local authorities had nothing to say to it. Only about two-thirds of the province has yet been visited, and amongst the remaining third is the sub-division of Yusufzai, in which is situated the home of Khwaja Muhammad Khan. Thus by a curious accident, he has yet had no opportunity of refusing to subscribe towards the fund, of which he was one of the initiators, nor has he been addressed by any member of the committee since its

formation. He did not reply to the letter sent him by Maulvi Ghulam Hassan and Mir Alam Khan two years ago.

7. There are in existence in this province, according to the closing statement of March 1912, 273 Government schools and 70 private schools and colleges, the latter of which are managed by committees and collect subscriptions. Of these, in a province which is 94 per cent Muhammadan, thirty-three Muhammadan schools receive in all Rs. 4,271 per annum as grants-in-aid from Government, while ten Hindu schools receive Rs. 8,377, two Arya Samaj schools Rs. 824, eight Sikh Schools Rs. 453 and eight Christian Mission schools Rs. 17,813. So I do not think that it can be said that the cause of Muhammadan education has hitherto been unduly favoured.

I have the honour to request that the enclosures to this letter may be returned to me or may be carefully preserved as I have no duplicates.

We most respectfully beg to submit—

(1) So far as we can remember we did write some letter to Khan Bahadur Khwaja Muhammad Khan, in which we made a mention about the Islamia College.

(2) We did not keep any copy, and unfortunately none can be produced.

(3) We have seen a version of this letter in *The Tribune* of Lahore, and in *The Advocate* of Mian Wali, and we are afraid that the letter as reproduced there has been misrepresented to a great extent.

(4) We will at once admit that we have never had any authority or even suggestion from the Honourable the Chief Commissioner or any person in position, to use his name in any way in connection with Islamia College.

(5) So far as we can recall this matter to our memory, the real facts are somewhat as follows:—

That immediately after Mr. Merk had taken over charge of the Chief Commissionership of this Province, a deputation of the Moslem community had the honour to wait upon, and it was submitted to him that the community of the Province proposed to establish a college in Peshawar and earnestly looked for some encouragement and sympathy from the benign Government.

Mr. Merk received this proposal with the utmost sympathy and promised every help that was in his power legitimately to give.

After some proceedings in the matter, he directed the members of the deputation to select some suitable site for the proposed college. There were at that time three sites available, one being at Nowshera, which was being offered free of cost by Khan Bahadur Mian Rahim Shah, but after inspecting all these spots they were all considered to be unsuitable for one reason or other, and Mr. Merk was informed about this matter accordingly. On this occasion, he made certain remarks, from which we gathered that if any liberal minded member of the community came forward with an offer of either gifting a suitable site or paying for its cost, he would be very much pleased to hear it, as then there would be something tangible to go upon.

It would be observed that in those days the only question exercising the minds of the community was the finding of a suitable site and its cost. No attempt at collecting subscriptions was then in contemplation as the scheme had hardly assumed any definite shape.

While writing to the Khan about his private affairs we made mention about the college, under the above circumstances and at the time the securing of a site being the uppermost thing in the mind of every true Muhammadan.

We understand from the newspaper reports that the letter itself is undated, but that the cover is said to bear Post Office marks of 5th and 6th April 1911. To the best of our memory this letter or a letter to this effect was not written in the year 1911; on the other hand, so far as we can recollect, it was written in the earlier part of 1910. What seems to have been done by Khan Bahadur Khwaja Muhammad Khan, is this: *

He wanted to arrange for the second marriage of his son in Peshawar, and to that purpose there was a correspondence between him and one of us (Muhammad Ghulam Hassan) which continued up to probably the middle of 1911. Most probably, in order to work out his purpose, he has picked up an envelope out of this correspondence and connected it with the letter in question.

(1) It is generally known among officials and there is a universal impression among the community of this District, that Khan Bahadur Khwaja Muhammad Khan is opposed to their religion, moral and social progress, even though he nominally belongs to it. Though we cannot remember exactly what were the words used by us, yet from the version of the letter given in the papers, we see that words like, "tariki" (ignorance) and "badgomanī" (wrong impression) are said to have been used by us. The second and succeeding paragraphs if carefully read would clearly show that we were trying to explain to him the position of the community according to the circumstances of the time, and that there were many wrong impressions about him as to his good will towards Moslems.

In other words what we meant to say was this; that by this benevolent act of his all those false rumours about his faith and ideas about communal matters would be dispelled. We never threatened him.

Though Khan Bahadur Khwaja Muhammad Khan was himself a member of one of the deputation which waited upon The Honourable the Chief Commissioner (Mr. Merk), yet he in his private conversation expressed ideas from which we gathered that he was not very much in favour of the scheme, and this is one of the facts noted in the letter.

(7) This being a work of public utility, any gentleman showing liberality in such like scheme would be sure of his public spiritedness being recognised by the Government, as we have already noted above that Mr. Merk was in complete sympathy with this scheme. Thus when we used the words if we used them at all, that if he would accept our proposal the Chief Commissioner would no doubt try to raise his position, we simply expressed our belief in the consequences of his generosity and the way in which it was sure to be received by the authorities. It had certainly never been our idea to impress upon him that we were speaking with any authority. We made this suggestion simply as members of the community and residents of this Province; and above all as well wishers of the scheme on the one hand and as his intimate and confident friends on the other.

(8) As Mr. Merk suggested that he would be glad to hear if some one among us would come forward with the offer of a site or defraying the cost of a site (and from Khan, considering where his Estate was situated we could not ask for a site), we thought that in case the Khan agreed with us, it would shorten everything and would directly inform the Chief Commissioner about it, and this is what the concluding portion of the letter means.

(9) We need say nothing about the first paragraph of the letter, as it relates to an entirely different matter, viz., the proposed marriage of his son.

ENCLOSURE No. 18.

Extract from a letter from the Honourable the Agent to the Governor General and Chief Commissioner, North-West Frontier Province, to the Secretary to the Government of India, No. 317-P.-Confidential, dated the 25th April 1912.

The book called the "Manual of Pushtu" written by me in 1900 and published in 1901, of which I forward a copy herewith, consists of three parts, of which Part III consists of the whole of the papers of colloquial sentences set in the Higher Standard Pushtu Examination of the previous fifteen years, rendered into idiomatic Pushtu (*vide* page vii of the introduction) for the publication of which I explicitly acknowledged my obligation to the Punjab

Government (*vide* page ix of the introduction). Of the passages referred to paragraphs 5 and 6 on pages 187 and 188 were published in the Examination paper for the Higher Standard Pushtu for April 1888. Paragraph 12 on page 203 was published in October 1889; paragraphs 2 and 3 on pages 211-12 and paragraph 8 on page 213 were published in the Examination Paper of October 1890; paragraphs 3, 4 and 5 on page 217 were published in the Examination Paper of April 1891; paragraph 6 on page 231 was published in the Examination Paper of October 1892.

I entered the Army as a Lieutenant in the Royal Scots Fusiliers in 1886, and at the time the above-mentioned examination papers were set I was serving with that regiment and could of course have had no connection with the setting of the papers. In 1901 when I published my book I had recently been appointed Political Agent in the Khyber. All the examination papers are full of fictitious names, as the object of the colloquial sentences in a Pashtu Examination is to get as near a real conversation as possible. In 1901 I had not heard of Khwaja Muhammad Khan.

Complete copies of the proceedings before the Judicial Commissioner are attached.

I attach statements of the Police Officer who arrested Khwaja Muhammad Khan and of the Civil Surgeon, Peshawar, who was in charge of Peshawar Jail during the period of Khwaja Muhammad Khan's detention.

ENCLOSURE No. 19.

A

MANUAL OF PUSHTU

BY

MAJOR G. ROOS-KEPPEL, C.I.E., F.R.G.S., I.C.S.,

Political Officer, Khyber Pass; President, Central Committee of Examination in Pushtu,

AND

QAZI ABDUL GHANI KHAN,

Munshi of Peshawar,

ASSISTED BY

SAHIBZADA ABDUL QAYUM, K.B.,

Assistant Political Officer, Khyber Pass; Member, Central Committee of Examination in Pushtu.

• (Third Impression.)

LONDON :

• CROSBY LOCKWOOD & SON,

7, Stationers' Hall, Ludgate Hill.

• (NOTE.—Not reprinted.)

ENCLOSURE No. 20.

No. 187-S.T., dated Simla, the 12th June 1912.

From—The HON'BLE SIR CHARLES STEWART-WILSON, K.C.I.E., Director-General of Posts and Telegraphs,

To—The Secretary to the Government of India, Home Department.

With reference to Government of India, Home Department letter no. 865, dated the 1st of June 1912, I have the honour to report that the multiple telegram in question addressed amongst others to His Imperial Majesty the King and His Excellency the Viceroy, was tendered at the Peshawar Telegraph Office by a messenger from the Khan of Hoti or his Agent. The subject of the telegram was apparently the treatment of the Khan in jail and, as its language was considered by the Telegraph Master to be derogatory to the Head of the local Administration, he referred it to the Deputy Commissioner, Peshawar, who decided that it might be sent on. The telegram was received back at the Telegraph Office within half an hour, but, not having been paid for, it could not be transmitted. As the messenger had meanwhile left the office, the telegram was put aside and is now not to be found. On the return of the Deputy Commissioner to Peshawar—he is now on tour—possibly a copy of the telegram may be available, and, if so, it will be forwarded at once. The Telegraph Master concerned is on leave at present.

2. In referring the telegram to the Deputy Commissioner, the Telegraph Master, Peshawar, acted correctly under Rules 15 and 156 of the Telegraph Guide; but in raising this question prior to the booking of the telegram, his action was irregular and reprehensible and was contrary to the instructions given in Traffic Instructions, Article 114.

ENCLOSURE No. 21.

No. 188-S.T., dated Simla, the 13th June 1912.

From—The HON'BLE SIR CHARLES STEWART-WILSON, K.C.I.E., Director-General of Posts and Telegraphs,

To—The Secretary to the Government of India, Home Department.

In continuation of my letter no. 187-S.T., dated the 12th of June 1912, I have the honour to report for the information of the Government of India that I have since been informed that there is no record of the telegram in question in the office of the Deputy Commissioner, Peshawar. It is therefore unfortunately impossible to forward a copy of the telegram.

Telegram, dated London, the 1st (received the 2nd) August 1912.

From—His Majesty's Secretary of State for India,

To—His Excellency the Viceroy (Home Department).

Your Despatch No. 6, dated 11th July 1912. Hoti Mardan. I agree with your conclusions and papers will be presented to Parliament.

H. WHEELER,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 37.}

SIMLA, SATURDAY, SEPTEMBER 14, 1912.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATIONS.

Simla, the 7th September, 1912.

No. 43.—In exercise of the power conferred by section 10 of the Indian Councils Act, 1861 (24 & 25 Vict., c. 67), as modified by the Indian Councils Act, 1909 (9 Edw. 7, c. 4), and in pursuance of the provisions of Regulation XI (2) of the Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor General, the Governor General is pleased to nominate Mr. William Malcolm Hailey, C.I.E., being an official, to be an Additional Member of the said Council, to fill the vacancy caused by the resignation of Mr. C. G. Todhunter.

No. 44.—In exercise of the power conferred by section 10 of the Indian Councils' Act, 1861 (24 & 25 Vict., c. 67), as modified by the Indian Councils Act, 1909 (9 Edw. 7, c. 4), and in pursuance of the provisions of Regulation XI (2) of the Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor General, the Governor General is pleased to nominate the Hon'ble Mr. Ernest Herbert Cooper Walsh, C.S.I., being an official, to be an Additional Member of the said Council.

The 12th September, 1912.

No. 45.—The Governor General is pleased to accept the resignation, by the Hon'ble Mr. Percy Comyn Lyon, of his office of Additional Member of the Legislative Council of the Governor General.

No. 46.—In exercise of the power conferred by section 10 of the Indian Councils Act, 1861 (24 & 25 Vict., c. 67), as modified by the Indian Councils Act, 1909 (9 Edw. 7, c. 4), and in pursuance of the provisions of Regulation XI (2) of the Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor General, the Governor General is pleased to nominate Mr. Duncan James Macpherson, C.I.E., being an official, to be an Additional Member of the said Council, to fill the vacancy caused by the resignation of the Hon'ble Mr. P. C. Lyon.

W. H. VINCENT,
Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Simla, the 13th September, 1912.

No. 1732.—Mr. E. C. S. George, C.I.E., has been permitted to resign His Majesty's Indian Civil Service with effect from the 16th September 1912.

JUDICIAL.

The 12th September, 1912.

No. 1725.—The services of Mr. C. P. Beachcroft, I.C.S., and of Mr. E. R. Chapman, I.C.S., are replaced at the disposal of the Government of Bengal, with effect from the afternoon of the 5th September 1912.

The 13th September, 1912.

No. 1728.—The following draft of certain rules which it is proposed to make in exercise of the powers conferred by sections 3 and 6 of the Indian Airships Act, 1911 (XVII of 1911), is published, as required by section 13(1) of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor General in Council on or after the 15th October 1912.

2. Any objections or suggestions which may be received from any person with respect to these draft rules before the date fixed, will be considered by the Governor General in Council.

Draft rules.

1. These rules may be cited as the Indian Airship Rules, 1912.
2. In these rules, the "Act" means the Indian Airships Act, 1911, and "License" means a license granted under these rules.
3. No person shall possess or use an airship save under and in accordance with the conditions of a license granted under these rules.

4. The authority empowered to grant a license shall be—

- (a) in any Presidency-town or Rangoon, the Commissioner of Police;
- (b) in Aden, the Assistant Resident of Aden;
- (c) in any other place, the Magistrate of the District.

5. Every applicant for a license shall furnish the particulars set forth in Form I in the Schedule.

6. On receipt of an application in accordance with the provisions of Rule 5 the licensing authority may, if it thinks fit, grant a license in Form II in the Schedule.

7. Any license may be cancelled by the authority which granted it if such authority is satisfied that such license was obtained by fraud or misrepresentation.

8. Any license may be cancelled by any authority empowered to grant such license if the license-holder contravenes the provisions of the Act or these rules or any condition contained in the license.

9. Subject to the provisions of the Act and of Rules 7 and 8, a license shall be valid throughout British India for a period of one year.

10. On the expiration of a license the same may from time to time be renewed for any period not exceeding one year by any authority empowered to grant a license. The renewing authority shall signify the fact of the renewal by an endorsement on the original license.

11. When any license is cancelled under Rule 7 or 8, the licensee shall deliver over the same to the authority cancelling it.

12. Any order made by any licensing authority under these rules shall be subject to revision by the local Government.

13. The carrying of any explosives, arms or ammunition or wireless telegraphic apparatus on any airship is prohibited.

14. The carrying of any carrier-birds or photographic apparatus on any airship is prohibited; provided that the local Government may, subject to such conditions and restrictions as it may impose, grant permission to the licensee of an airship to carry carrier-birds or photographic apparatus thereon.

15. Every licensee shall produce his license and produce or account for the airship covered by such license when called upon to do so by any Magistrate, or any Police officer not below the rank of a Sub-Inspector, or, if no Magistrate or Police officer of such rank is present, any commissioned officer of His Majesty's Royal Navy, Royal Indian Marine or land forces in India.

16. Any Magistrate or officer empowered under Rule 15 may—

(i) enter, inspect and examine any place, carriage or vessel in which an airship is possessed or used under a license or in which he has reason to believe that an airship has been or is possessed or used in contravention of the provisions of the Act, or of these rules;

(ii) search for airships therein;

(iii) seize, detain and remove any airship which he has reason to believe is possessed or used in contravention of the Act or these rules; and

(iv) search any airship for explosives, arms, ammunition, carrier-birds, photographic or wireless telegraphic apparatus, and seize, detain and remove any such things found therein in contravention of the Act or these rules.

17. Any licensee contravening Rule 11 or 15 shall be punishable with imprisonment which may extend to one month or with fine which may extend to Rs. 200 or with both.

The Schedule.

FORM I.

See rule 5.

1. Name, occupation and residence of applicant.
2. Description of airship.*
3. Maker of airship.
4. Description of Engines.†
5. Whence airship has been obtained.
6. Place at which airship will be kept.
7. Whether applicant has previously been granted a license, which has been cancelled for breach of conditions, or for any other cause.

* The description of the airship shall include the following particulars—

1. For dirigibles—

- (a) Type. Rigid, semi-rigid or non-rigid.
- (b) Cubic capacity of envelope.
- (c) Overall length.
- (d) Diameter.
- (e) Material of which envelope is made and name of maker.
- (f) Total carrying capacity in weight.
- (g) Total carrying capacity in number of passengers.

2. For aeroplanes—

- (a) Type. Monoplane or bi-plane.
- (b) Whether tractor or propeller driven.
- (c) Total span (port to starboard).
- (d) Total length (fore and aft).
- (e) Height.
- (f) Total carrying capacity in weight.
- (g) Total carrying capacity in live load including pilot.
- (h) Disposal of seating accommodation, i.e., side by side or tandem.
- (i) Position of driving seat in relation to passengers, i.e., in front or behind or right or left.
- (j) Whether fitted with dual control.

† The description of engines shall include a statement of the number and size of the cylinders and the horse power developed.

FORM II.

Form of license to possess and use an airship (See Rule 6).

No. , of 191 .

License to possess and use an airship granted in accordance with Rule 3
of the Indian Airship Rules, 1912.

(Name) _____

of _____ (address) _____

is hereby licensed to possess and use an airship* _____

This license is granted subject to all the provisions of the Indian Airships
Act, 1911, and of the Indian Airship Rules, 1912, and to the following
conditions, namely :—

- (1) The licensee shall notify either personally or by registered letter
the authority by whom this license is granted of any change in
the place where such airship is kept, provided that such change
is for a period exceeding fifteen days.
- (2) The licensee shall notify either personally or by registered letter
the said authority of the destruction, loss, export, transfer or
intended transfer of the said airship, and in case of transfer of
the name and address of the transferee or intending transferee.

(Signature) _____

Commissioner of Police _____

or District Magistrate _____

or Assistant Resident _____

Dated _____

PUBLIC.

The 10th September, 1912.

No. 1955.—The following rules, to be substituted for rules IV, V and XIII of the rules for the submission, receipt and transmission of memorials and other papers of the same class to His Majesty the King, Emperor of India, or to the Right Hon'ble the Secretary of State for India, which were published with the Home Department Notification no. 148, dated the 19th January 1905, are hereby published for general information:—

IV.—Every memorial to His Majesty or to the Secretary of State for India presented through the Government of Madras, Bombay or Bengal should be forwarded direct by the local Government, with a full statement of facts and an expression of opinion, except in the case of a memorial which—

(a) relates to—

- (i) any rule or standing order of the Government of India, or
- (ii) any Legislative Proceeding of the Governor General in Council or to an Act to which the Governor General has assented, or
- (iii) a case which has been previously under the consideration of the Government of India, whether on appeal or otherwise, or

(b) if granted, would cause expenditure for which the Imperial and not the local Government would be primarily responsible.

V.—Every memorial to His Majesty or to the Secretary of State for India presented through a local Government, other than the Government of Madras, Bombay or Bengal, should be forwarded by the local Government, with a full statement of facts and an expression of opinion, to the Government of India in the proper department for transmission to the authority addressed.

XIII.—The Government of India may withhold the transmission of a memorial to His Majesty or to the Secretary of State for India unless the memorialist has previously memorialized the Government of India and the local Government concerned on the same subject; and the Government of Madras, Bombay or Bengal may withhold the transmission of a memorial which under rule IV they are authorized to forward direct, unless the memorialist has previously memorialized the local Government concerned on the same subject: provided that, when the memorial is one for pardon which no authority in India has power to grant, it should be addressed to His Majesty and forwarded to the Secretary of State for India.

H. WHEELER,

Secretary to the Government of India.

DEPARTMENT OF EDUCATION.

NOTIFICATIONS.

ECCLESIASTICAL.

Simla, the 12th September, 1912.

No. 450.—The following alteration in the visitation tour of the Most Reverend the Lord Bishop of Calcutta and Metropolitan in India published with this Department's Notification No. 381, dated the 9th August 1912, is published for general information:—

11th September, leave Calcutta for Colombo.

9th October, leave Colombo for Calcutta.

No. 454.—The services of the Reverend F. E. Markby are placed at the disposal of the Government of the Punjab with effect from the date on which he returns from leave.

EDUCATION.

The 12th September, 1912.

No. 2112.—In exercise of the powers conferred by section 6, sub-section (7), clause (c), and section 10, of the Indian Universities Act, 1904 (VIII of 1904), His Excellency the Chancellor of the Calcutta University is pleased to nominate the following gentlemen to be Ordinary Fellows of the University:—

Babu Benoyendranath Sen, M. A.

Captain C. L. Peart.

Lieutenant-Colonel B. H. Deare, M.R.C.P., D.P.H., I.M.S.

H. Stephen, Esq., M. A.

GENERAL.

The 12th September, 1912.

No. 1241.—Consequent on the appointment of Mr. G. R. Kaye, Registrar of the Department of Education, as Officiating Assistant Secretary to the Government of India in that Department *vice* Kunwar Maharaj Singh who has been granted privilege leave for one month and one day, the following temporary promotions are notified with effect, from the 16th September 1912 or any subsequent date:—

Mr. P. A. Collins, Superintendent, 1st grade (s. p. t.), to be Officiating Registrar.

Mr. T. M. Smith, Superintendent, 2nd grade (s. p. t.), to be Officiating Superintendent, 1st grade.

Mr. Manmatha Nath Chakravarti, Superintendent, 3rd grade (s. p. t.), to be Officiating Superintendent, 2nd grade.

Mr. L. D. Harrington to be Officiating Superintendent, 3rd grade.

L. C. PORTER,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 11th September, 1912.

No. 45.—Major H. W. Rushton, R. E., Superintending Engineer, 3rd class, Assam, is appointed to hold charge of the current duties of the office of Chief Engineer and Secretary in the Public Works Department, Assam, in addition to his own duties with effect from the 7th August 1912, during the absence on privilege leave of Mr. W. McM. Sweet.

The 12th September, 1912.

No. 46.—Major E. L. Ward, I.M.S., Medical and Sanitary Adviser to the Director of Temporary Works, Delhi, has been granted combined leave for 12 months (privilege leave for 3 months and furlough for the remaining period) with effect from the 10th June 1912.

No. 47.—The services of Major E. L. Ward, I.M.S., are replaced at the disposal of the Government of the Punjab, with effect from the 10th September 1912.

M. NETHERSOLE,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 9th September, 1912.

No. 1901-I. B.—In exercise of the powers conferred by section 9, clause (a) of the Indian Stamp Act, 1899 (II of 1899) as applied to areas outside British India in which the Governor General in Council exercises jurisdiction, the Governor General in Council is pleased to direct that the words "and Sehore" shall be substituted for the words "Sehore and Sirdarpur" in the schedules attached to the following notifications of the Government of India in the Foreign Department, namely:—

No. 2461-I. B., dated the 23rd December 1909.

No. 51-I. B., dated the 7th January 1910.

No. 108-I. B., dated the 14th January 1910.

No. 853-I. B., dated the 6th May 1910.

No. 910-I. B., dated the 13th May 1910.

No. 1554-I. B., dated the 5th August 1910.

No. 2020-I. B., dated the 14th October 1910.

No. 2554-Est. A.—Captain N. E. H. Scott, I. M. S., Residency Surgeon, Baghdad, is appointed temporarily to hold charge of the current duties of the office of Political Resident in Turkish Arabia and His Britannic Majesty's Consul-General, Baghdad, in addition to his own duties, with effect from the 1st September, 1912 and until further orders.

The 10th September, 1912.

No. 2570-Est. A.—Senior Sub-Assistant Surgeon Ram Narain held charge of the current duties of the office of Residency Surgeon in Mewar, in addition to his own duties, for the period from the 1st July to the 10th August, 1912, and during the absence on privilege leave of Major W. R. Battye, Indian Medical Service.

The 11th September, 1912.

No. 2585-Est. A.—Lieutenant-Colonel F. W. P. Macdonald of the Political Department was employed on special duty under the orders of the Agent to the Governor General and Chief Commissioner, Baluchistan, from the 22nd November 1911 to the 20th May 1912, inclusive.

The 12th September, 1912.

No. 1941-G.—With the sanction of His Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Senor Don Arturo Diaz Garces as Consul-General for Chile at Calcutta.

The 13th September, 1912.

1954-G.—With reference to Notification No. 1393-G., dated the 20th June 1912, the provisional recognition of the appointment of Mr. J. W. Crusha as Consul for the Netherlands at Madras, has been confirmed by His Majesty's Government.

A. H. McMAHON,
Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 10th September, 1912.

No. 638-F. E.—Mr. T. P. Russell Stracey has been appointed Deputy Accountant-General, Punjab, with effect from the 9th August 1912.

The 11th September, 1912.

No. 642-F. E.—Mr. T. E. McCullagh, an Accountant in the office of the Accountant-General, Post Office and Telegraphs, has been appointed a temporary Chief Superintendent, Class II, in the Delhi Audit Office, with effect from the 26th August 1912.

SEPARATE REVENUE.
STAMPS.
Non-Judicial.

The 2nd September, 1912.

No. 356-F.—In exercise of the power conferred by section 9, clause (a), of the Indian Stamp Act, 1899 (II of 1899), the Governor General in Council is pleased to direct that for the words "or agreement" in entry No. 53 of the Notification of the Government of India in the Finance Department No. 3616-Exc., dated the 16th July 1909, the words "agreement or security bond" shall be substituted.

H. F. HOWARD,
Offg. Secretary to the Government of India.

FINANCE DEPARTMENT (MILITARY FINANCE).

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 12th September, 1912.

No. 1089-Acts.—Major F. W. Bagshawe, I.A., Military Accountant, 2nd class, Military Accounts Department, and Military Deputy Accountant General and *ex-officio* Assistant Secretary to the Government of India, Finance Department (Military Finance), is granted one year's leave out of India on private affairs, from the 7th November 1912, or from the date on which he may avail himself of it, under the leave rules of 1886 for the Indian Army. Pension service—25th year commenced 22nd August 1912.

No. 1090-Acts.—Mr. J. Gainsford, Assistant Controller, Military Accounts Department, is granted privilege leave for three months in combination with furlough for three months, under Articles 233, 260 and 338, Civil Service Regulations, with effect from the 3rd October 1912.

No. 1091-Acts.—The following reversion of an officiating Deputy Examiner, 2nd grade, Military Accounts Department, is made, with effect from the date specified:

From the 30th August 1912, consequent on the return of Captain H. P. Shairp from privilege leave.

Mr. W. Davies, officiating Deputy Examiner, 2nd grade, to revert to his own grade.

W. H. MICHAEL,
Offg. Joint Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

FACTORIES.

Simla, the 14th September, 1912.

No. 6750-25.—In exercise of the powers conferred by section 38 of the Indian Factories Act, 1911 (XII of 1911), and in supersession of the rule published in the Home Department Notification No. 1126, dated the 25th June

1903, as amended by the Notification in this Department No. 1892, dated the 7th March 1906, the Governor General in Council is pleased to make the following rule:

"Every Manager of a factory shall furnish to the Inspector of Factories or other officer designated by the Local Government in this behalf the following returns, namely:—

I.—On or before the 15th January of each year, an annual return in duplicate in the form set forth in the schedule hereto annexed.

II.—Before the end of each calendar month, a return giving notice of all the days on which the factory will be closed during the next ensuing month. This return shall be submitted whether the factory is or is not working during the calendar month preceding the one to which the return relates".

District.	Place.	NUMBER OF EMPLOYED.		Whether interval is given after 6 hours' work, and if so, time and length of interval, or whether factory is worked in accordance with a system of shifts, or whether factory is exempted from interval and if so under what provision of Section 21.	Whether holiday is invariably given on Sundays, or week days are sometimes substituted, or whether factory is exempted and if so under what provision of Section 22.	REMARKS.			
		CHILDREN.							
		Boys.	Girls.						
1	2	10	11	12	13	14			

COMMERCE AND TRADE.

The 14th September, 1912.

No. 6799-61.—In exercise of the powers conferred by Section 32 of the Indian Life Assurance Companies Act, 1912 (VI of 1912), the Governor General in Council is pleased to declare that the National Mutual Life Association of Australasia, Limited, carries on life assurance business in the United Kingdom in accordance with the Assurance Companies Act, 1909 (9 Edw. VII, Cap. 49).

CUSTOMS ESTABLISHMENT.

The 14th September, 1912.

No. 6800-2.—Mr. J. A. Stevens, an Assistant Collector in Class II of the Imperial Customs Service, is granted privilege leave for fifteen days with effect from the 3rd October 1912, or such subsequent date as he may avail himself of the leave.

STORES.

No. 6847—6852—33.*The 12th September, 1912.*

RESOLUTION—By the Government of India, Department of Commerce and Industry.

With the approval of the Secretary of State for India the Governor General in Council is pleased to direct that the rules for the supply of articles for the public service appended to this Resolution shall be substituted for the rules promulgated with the Resolution in this Department No. 4941-4988-102, dated the 14th July 1909, as amended from time to time.

ORDER—Ordered that this Resolution be communicated to all Departments of the Government of India, to all Local Governments and Administrations, to all Accountants General and Comptrollers (including the Comptroller and Auditor General), to all Heads of Departments subordinate to this Department, and to the Private and Military Secretaries to His Excellency the Viceroy.

Ordered, also, that the Resolution be published in the *Gazette of India* for general information.

RULES FOR THE SUPPLY OF ARTICLES FOR THE PUBLIC SERVICE.

Subject to the provisions of the General Rules specified below, and to any instructions regarding specific articles which have been, or may be, issued by the Government of India from time to time (e.g., those relating to the supply of stationery), the following are the rules relating to the supply of articles required for the public service:—

RULE 1.—Articles manufactured in India from Indian materials.

All articles which are produced in India in the form of raw material, or are manufactured in India from materials produced in India, should, by preference, be purchased locally, provided that the quality is sufficiently good for the purpose, and the price not unfavourable.

RULE 2.—Articles manufactured in India from imported materials.

All articles manufactured in India from imported materials should, by preference, be purchased in India, subject, however, to the following conditions:—

(a) That a substantial part of the process of manufacture of the articles purchased has been performed in India.

(b) That the price is as low as that at which articles of similar quality can be obtained through the India Office.

(c) That the materials employed are subjected to such inspection and tests as may be prescribed by the Government of India.

RULE 3.—Articles which are not manufactured in India.

Articles which are not manufactured in India should be obtained by indent upon the Store Department of the India Office, except in the following cases:—

(a) When the articles are already in India at the time of order, and their price and quality are not unfavourable as compared with those at which similar articles could be obtained through the India Office, and the cost of the supply does not exceed the limits prescribed at the end of Rule 13.

(b) In the case of important construction works let out on contract, articles not manufactured in India required for the construction of such works may be supplied by the contracting firm, subject to the following conditions:—

(i) That the firm is approved by the Government of India and is included in the list of firms so approved.

(ii) That the materials are subject to the current specifications and tests prescribed by the Government of India.

RULE 4.—Articles which may be purchased in India.

The following articles, whether manufactured or produced in India or not, may be purchased in India, provided that the quality required is obtainable:—

(a) Those of a perishable nature.

(b) Explosives.

(c) Block tin.

(d) Wines and spirits and English bottled beer for the use of Government hospitals in India.

(e) Kerosine oil.

(f) Plant and materials for electric installations intended to take current from existing centres. The local purchase of electric power plant and lighting plant which involve the provision of generators and cables for distribution is not, however, permissible under this clause.

(g) Australian timber.

(h) Australian copper.

(i) Italian marble.

(j) Such other classes of articles as may from time to time be prescribed by the Government of India. All such cases should be reported to the Secretary of State for his information.

RULE 5.—Special purchases in India.

When serious inconvenience to the public service would be caused by waiting to obtain an article from England through the Director-General of Stores, or when, owing to the greater promptitude of supply, an economy can be effected by purchasing in India articles which, under the foregoing rules, should be obtained through the Store Department, the purchase may be made in India, subject to Rule 13, provided that the articles are already in India at the time of order; but in such cases, if the value of the articles exceeds Rs. 750, the sanctioning officer should place on record the reasons which

make the local purchase desirable. This record shall be available for the inspection of the Examiner of Accounts or the Supervising Officer when required.

RULE 6.—*Inter-departmental purchases.*

Nothing in the rules is to be deemed to prohibit the purchase of stores of European manufacture by one Department or Railway from another.

RULE 7.—*Method of obtaining Stores not purchased in India.*

All articles which under the foregoing rules are not to be bought in India should be obtained by indent on the Store Department of the India Office, except any which the Secretary of State may have specially authorised the Government of India or its officers to purchase direct outside India. Such purchase is at present permissible in the case of the following articles :—

- (i) Seeds.
- (ii) Cinchona bark.
- (iii) Articles for experimental or research purposes required by officers approved by the Government of India from time to time. A list of the officers thus approved is given in Appendix A.
- (iv) Excise instruments and apparatus required by Provincial Excise Departments for experimental or research purposes.
- (v) China, glass, cutlery, plate, and crockery for the residences of Heads of Provinces.
- (vi) Australian timber.
- (vii) Australian lead.
- (viii) Such articles as Superintendents of Vaccine Depôts may require for the preparation of vaccine lymph (e.g., lanoline and glycerine).

Note—Payments for stores purchased under this rule should be made direct to the suppliers by the purchasing officers.

GENERAL RULES.

RULE 8.—*Forecast of Requirements.*

Every effort should be made to foresee requirements so that there may be ample time to send forward indents for such articles as should under the rules be obtained from the India Office. Persistent failure of any officer to make such efforts should be brought to notice by the Local Government or other authority, which may, at its discretion, cancel or reduce the powers of sanction entrusted to the officer at fault.

RULE 9.—*Time required to obtain Stores from England.*

It may be assumed that the time required from the transmission of an indent upon the Secretary of State to the receipt of the stores is :—

Urgent telegraphic indents, not less than three months.

Ordinary indents, six to ten months, according to the article demanded.

For special stores, e.g., large girders, rolling stock, &c., up to one year in ordinary times.

RULE 10.—*Method of comparing Prices.*

In all cases in which the selection of source of supply depends upon comparison of prices, the procedure to be adopted for such a comparison is as follows :—

- (i) A reference should be made to Home prices as shown in the Rate Lists, and freight should be added at the lowest rates paid by

the India Office together with 13s. 4d. per 100l. for interest, 2s. 2d. per 100l. for insurance, and 3d. per ton for freight brokerage.

- (ii) In cases of important contracts, the prices ruling in the English market should be ascertained by telegraphic reference to the Director-General of Stores.
- (iii) In cases where the necessary information as to Home prices is not available from the Rate Lists, the purchase in India shall be subject to the condition that the price is not unfavourable.
- (iv) In order to arrive at the market value at an Indian port of the article imported from England the following charges shall be included :—
 - (a) Landing, wharfage, and port charges as shown in the Rate Lists.
 - (b) Customs duty, as shown in the Tariff to be applicable to the article in question, to be calculated on its cost *plus* the additional charges mentioned in the earlier part of this rule.
- (v) The cost of carriage to site from port or place of manufacture, as the case may be, shall be taken into account.

RULE 11.—Tests.

Any articles purchased in India which should be tested are liable to the specifications laid down from time to time by competent authority, with the approval of the Secretary of State in Council, and should be required to pass the tests prescribed for such articles.

RULE 12.—Firms from which iron and steel may be bought in India.

Important iron and steel work, if purchased in India, should only be obtained from firms approved by the Local Government or Administration and entered in a Schedule as corrected from time to time by the Government of India. A list of approved firms is given in Appendix B.

RULE 13.—Financial limits on powers of Officers to make purchases in India.

In the case of purchases made under Rules 1, 2, and 4, an officer's powers of purchase extend to the ordinary limits to which he is empowered to enter into contracts: but in the case of purchases made in India under Rules 3(a) and 5, the limits for expenditure on any one article or on any number of similar articles purchased at one time are as follows :—

(a) Civil Departments.

		Rs.
(i) Heads of Departments, Commissioners of Divisions, and other officers of or above the rank of Collector whom the Local Government may select	... ... ... ...	250
(ii) Other officers authorised to incur expenditure	... ...	50
(iii) Controller of Printing, Stationery, and Stamps	... ...	1,000
(iv) Local Government or Administration :—		
1. In case of purchases made under Rule 3 (a)	... ...	3,000
2. In case of purchases made under Rule 5	... ...	Full powers.
The powers of a Local Government are also exercised by the following officers :—		

Surveyor-General of India.

Agricultural Adviser to the Government of India and Director of the Agricultural Research Institute, Pusa.

Director-General of Observatories.

Director-General of Telegraphs.

Political Resident, Persian Gulf.

(b) Public Works Department.

	For purchases made under Rule 3 (s).	For purchases made under Rule 5.
	Rs.	Rs.
(i) Executive or Assistant Engineer holding charge of a Division ...	200	500
(ii) Superintending Engineer or Superintendent of Works ...	1,000	2,500
(iii) Local Government or Administration ...	3,000	Full powers.

(c) Railway Department.

(i) Executive or Assistant Engineer holding charge of a Division on a line under construction or survey ...	200	500
(ii) Engineer-in-Chief holding charge of a line under construction or survey ...	1,000	2,500
(iii) Manager of an open line ...	1,000	2,500
(iv) Railway Board ...	3,000	Full powers.

Note.—Managers of open lines may depute to their Engineers-in-Chief, Executive Engineers, or Assistant Engineers holding charge of a Division, such powers of purchase as they deem fit up to the limits specified for lines under construction, and to their Chief Storekeepers up to the limits specified for Executive Engineers.

(d) Army Department.

	For purchases made under Rule 3 (s).	For purchases made under Rule 5.
	Rs.	Rs.
(i) Director-General of Military Works ...	3,000	Full powers.
(ii) Divisional Commander ...	3,000	5,000
(iii) Officer Commanding an independent brigade; Director-General of Ordnance; Director, Royal Indian Marine; Director-General, Indian Medical Service (for medical store depôts); Director, Army Clothing; and Director-General, Army Remount Department ...	2,500	2,500
(iv) Officer Commanding a brigade, other than those included in (iii); Director of Ordnance Factories; Director of Ordnance Inspection and Director of Ordnance Stores ...	1,000	1,000
(v) Superintendent, Army Clothing Factory; Inspector, Submarine Defences; Supply and Transport Officer on special duty in Kashmir; and Deputy Director, Royal Indian Marine ...	500	500

	For purchases made under Rule 3(a).	For purchases made under Rule 5.
	Rs.	Rs.
(vi) Chief of the Staff; Adjutant-General in India; Quartermaster-General in India; Director, Medical Services, Army Head Quarters, India; Military Secretary to His Excellency the Commander-in-Chief; Military Accountant-General; Controller of Military Accounts, Eastern Circle; Controller of Military Supply Accounts; Controller of Military Accounts, Northern Circle; Controller of Military Accounts, Western Circle; Deputy Controller of Military Accounts in independent charge, Secunderabad Division; and Deputy Controller of Military Accounts in independent charge, Burma Division	250	250
(vii) Officer Commanding a station; Superintendent, Army Remount Department; Superintendent, Ordnance Factory; Government Inspector of Army Boots, Cawnpore; Assistant Directors of Ordnance Stores; Inspectors (Ordnance Department), the Assistant Inspector in charge of General Stores and the Proof and Experimental Officer, Balasore; Medical Store-keeper; Commandant, Indian Staff College; and Divisional Supply Officer and Divisional Transport Officer	200	200
(viii) Officer Commanding a unit (including a hospital); Senior Medical Officer, Indian Medical Service of a station; Recruiting Staff Officer for Gurkhas at Gorakhpur; Officers (Ordnance or Departmental) in charge of depots; Assistant Inspectors (Ordnance Department) with the exception of the Assistant Inspector in charge of General Stores; Station Supply Officer; and Chief Chemical Examiner	20	20

*Note.—*These powers are subject to the rules of the budget system. No sanction may be given which will involve expenditure from the budget grant of any future year. The powers extend to each sanction, whether against Army, Military Works, or Marine funds.

In the case of Ordnance, Medical Store and Remount Departments, the Divisional Brigades and Station Commanders are not competent financial authorities.

LOCAL PURCHASE RULES.

APPENDIX A.

List of Officers referred to in Rule 7 (iii), who are authorised to obtain direct from manufacturers or dealers in England, America, Japan,

or other foreign countries such articles as they may require for experimental or research purposes.

Superintendent, X-ray Institute.

Chemical Examiners.

Superintendents of Vaccine Depôts.

Principals of Medical Colleges.

Superintendents of Medical Schools.

Directors of Bacteriological, Pathological or Research Laboratories, including Officers in charge of Divisional and Brigade Laboratories.

Principals of Arts Colleges.

Principals of Technical and Industrial Institutes.

Director of Industrial and Technical Inquiries, Madras.

Honorary Director of Fisheries, Madras.

Sanitary Commissioner, Madras, as the principal working member of the Malaria Board.

Director, Madras Cinchona Department.

Principal of the Central Training College, Lahore.

Principal, Bombay Veterinary College.

Officer in charge of the Experimental Sewage Installation at Poona.

Surveyor-General of India.

Inspector-General of Forests.

Director-General of Observatories.

Director of Botanical Survey.

Agricultural Adviser to the Government of India and Director, Agricultural Research Institute, Pusa.

Imperial Bacteriologist, Civil Veterinary Department.

Imperial Agricultural Chemist.

Imperial Mycologist.

Imperial Entomologist.

Provincial Directors of Agriculture.

President of the Imperial Forest Research Institute.

Principal of the Imperial Forest College.

Director, Geological Survey of India

Railway Board

Director of Industries, United Provinces.

APPENDIX B.

List of Firms referred to in Rule 12.

In Bengal.

The Bengal Iron and Steel Company, Ltd., Barakar.

The Vulcan Iron Works, Ltd., of Calcutta.

Messrs. Burn & Co., of Calcutta.

Messrs. Jessop & Co., of Calcutta.
 Messrs. John King & Co., of Calcutta.
 Messrs. Ahmety & Co., of Calcutta.
 Messrs. Martin & Co., of Calcutta.
 Messrs. Kessory Lall Mukerjee & Co., of Calcutta.
 Messrs. Heatley and Gresham, Ltd., of Calcutta.
 Messrs. A. and J. Main & Co., of Calcutta.
 The Shalimar Works, Ltd.
 Messrs. T. E. Thomson & Co., Ltd., of Calcutta.
 Messrs. W. Leslie & Co., of Calcutta.
 Messrs. Balmer Lawrie & Co., of Calcutta.

In the Bombay Presidency.

Messrs. G. Gahagan & Co., of Bombay.
 Messrs. Richardson and Cruddas of Bombay.
 Messrs. Alcock, Ashdown, & Co., of Bombay.
 Messrs. Garlick & Co., of Bombay.
 Messrs. Marsland Price & Co., of Bombay.
 Messrs. Sorabji Shapurji & Co., of Bombay.
 Messrs. Cosser & Co., of Karachi.
 Messrs. McKenzie & Co., of Karachi.
 Messrs. B. R. Herman & Co., of Karachi.
 The Engineering Co., of Karachi.

In the Madras Presidency.

Messrs. Massey & Co., of Madras.
 Messrs. Oakes & Co., of Madras.
 Arbuthnot's Industrials, Ltd., Reliance Foundry, of Madras.
 Messrs. Mansfield and Sons, of Madras.

In Burma.

The Irrawaddy Flotilla Company, Ltd.
 Messrs. Bullock Brothers & Co., Ltd., Rangoon.
 The Dunnedaw Engineering Works, Rangoon.
 Messrs. Howarth, Erskine, Ltd., Singapore.
 The Burma Engineering and Trading Co., Ltd., Rangoon.

In the United Provinces.

Messrs. T. Crowley & Co., Allahabad.
 The Empire Engineering Co., Ltd., Cawnpore.
 Lucknow Iron Works.

In the Punjab.

Messrs. N. D. Hari Ram and Brothers, Rawalpindi.

In Bihar and Orissa.

Messrs. Arthur Butler & Co., of Mozaffarpur.
 The Tata Iron and Steel Co., Ltd., Sakchi.

• R. E. ENTHOVEN.

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 13th September 1912.

APPOINTMENTS.

PERSONAL STAFF.

No. 868.—The undermentioned officers are granted a step of honorary rank, as stated, on appointment as Honorary Aides-de-Camp to His Excellency the Viceroy :—

Lieutenant-Colonel C. A. Mackenzie, Commandant, Southern Provinces Mounted Rifles, to be Honorary Colonel. Dated the 7th April 1912.

Lieutenant-Colonel F. J. Agabeg, Chota Nagpur Light Horse, to be Honorary Colonel. Dated the 15th May 1912.

Major the Hon'ble Sir H. E. E. Procter, Kt., Commandant, Bombay Light Horse, to be Honorary Lieutenant-Colonel. Dated the 1st April 1912.

ARMY DEPARTMENT.

No. 869.—With reference to Army Department Notification No. 126, dated the 16th February 1912, Captain A. R. B. Shuttleworth, Supply and Transport Corps, Officiating Assistant Secretary to the Government of India, Army Department, is confirmed in that appointment, with effect from the 15th September 1912, *vice* Captain H. N. Young, Supply and Transport Corps, whose tenure will expire on that date.

STAFF.

No. 870.—Colonel A. B. C. Williams, Indian Army, Supply and Transport Corps, Deputy Director of Supplies, to be Director of Supplies and Transport, *vice* Major-General H. Mansfield, C.B., retired. Dated the 1st September 1912.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 871.—The services of Lieutenant-Colonel C. Herbert, D.S.O., Indian Army, have been placed at the disposal of the Government of the Punjab for employment as a Cantonment Magistrate.

LONDON GAZETTE.

No. 872.—The following extracts are published for general information :—

"London Gazette", dated the 23rd August 1912, pages 6281, 6282, 6285, 6287, 6288 and 6292.

CENTRAL CHANCERY OF THE ORDERS OF KNIGHOOD.

Lord Chamberlain's Office,

St. James's Palace, S.W.,

August 23, 1912.

The KING has been graciously pleased to give orders for the following promotion in and appointments to the Most Honourable Order of the Bath, in recognition of the services of the undermentioned officers in the recent operations against the Abors on the North-Eastern Frontier of India :—

To be an Ordinary Member of the Military Division of the Second Class, or Knights Commanders, of the said Most Honourable Order—

Major-General Hamilton Bower, C.B., Indian Army.

To be Ordinary Members of the Military Division of the Third Class, or Companions, of the said Most Honourable Order—

Colonel (temporary Brigadier-General) Donald Charles Frederick Macintyre, Indian Army.

Colonel John Fisher, Indian Army.

War Office,
23rd August 1912.

The KING has been graciously pleased to give orders for the following appointments to the Distinguished Service Order, and promotions in the Army, in recognition of the services of the undermentioned Officers in connection with the recent operations against the Abors on the North-Eastern Frontier of India. The promotions to bear date of 6th June 1912 :—

To be Companions of the Distinguished Service Order, *viz.* :—

Major James Davidson, M.D., Indian Medical Service.

Major James Alban Wilson, Indian Army.

Major Edward Gyles Vaughan, Indian Army.

Major Ernest Henry Scott Cullen, M.V.O., Indian Army.

Lieutenant Miles Arthur Claude Kennedy, Indian Army.

BREVET.

To be Colonels.

Lieutenant-Colonel Frank Murray, D.S.O., Indian Army.

Lieutenant-Colonel Frederick Hopewell Peterson, D.S.O., Indian Army.

To be Lieutenant-Colonels.

Major Alexander Bertram Lindsay, Indian Army.

Major Charles Alexander Robert Hutchinson, India Army.

Major Edwin Cooke Tylden-Pattenson, Royal Engineers.

To be Major.

Captain Charles Edward Edward-Collins, Indian Army.

* * * * *

War Office,
23rd August 1912.

* * * * *

UNATTACHED LIST FOR INDIAN ARMY.

The undermentioned Gentlemen Cadets from the Royal Military College to be Second Lieutenants, with a view to their appointment to the Indian Army. Dated 24th August 1912 :—

Thomas Norman Cameron Kemp.

Arthur Douglas Magnay.

Mervyn Stockton Harvey Jones.

John George Smyth.

George Edward Forman Campbell.

Julian Gerald Barnes de Wilton.

Aubrey de St. Croix.

Alexander Redmayne Raitt.

Arthur Montague Taylor.

Aubrey Spranger Townsend Reilly.

Charles Hony Trehane.

Frank Vivian Spooner.

Charles Joseph Weld.

James Richmond Pelham Inglis Cochrane.

Douglas Burgoyne Burgoyne-Wallace.

Gerald Cameron Southern.

John Alexander Colquhoun May-Somerville.

Herbert Prichard Thomas.
William Vernon McCalmont.
Claude Boileau Mosse.
John Le Clerc Fowle.
Charles Colquhoun Morrison.
Robert William Ryall.
Patrick Valentine Blomfield.
Paul Anthony Meade.
Walter Augustus Gore Hinds.
Ralph Henry Wellesley Welsh.
Henry Dane.
Malcolm Hay Alexander Campbell.
Cyril Philip Francis Williamson.
Byao Edward Chicheley Plowden.
Brian Gerald Keene.
Franklin Herbert Worlidge.
Duncan Alexander Cameron.
Edward Seton Kind.

* * * * *

MEMORANDA.

Colonel Thomas F. Hobday, C.B., Retired List, Indian Army, is granted the honorary rank of Major-General. Dated 24th August 1912.

The undermentioned Colonels, Unemployed Supernumerary List, Indian Army, are granted the honorary rank of Brigadier-General. Dated 24th August 1912.

John Jopp, C.B.
Stuart E. Rolland.
Robert A. Gilchrist.
Hastings Read, C.B.
Frederick J. S. Adam.
Henry A. Abbott, C.B.

The undermentioned Colonels, Retired List, Indian Army, are granted the honorary rank of Brigadier-General. Dated 24th August 1912 :—

Arthur R. Kenney-Herbert.
George F. Young, C.B.
Josiah P. C. Neville.
Alexander B. Fenton, C.B.
Lewis M. M. Hall, C.B.

* * * * *

The undermentioned Lieutenant-Colonels to be Colonels :—

Francis C. Muspratt, Indian Army. Dated 1st April 1912.
Lionel C. Dunsterville, Indian Army. Dated 1st May 1912.

* * * * *

The undermentioned Native Officer, Indian Army, is granted the honorary rank of Captain on retirement :—

Subadar Major Harditt Singh, Sardar Bahadur, 21st Kohat Mountain Battery (Frontier Force). Dated 16th May 1912.

* * * * *

India Office,
August 29, 1912.

The KING has approved of the promotion of the following officers of the Indian Army and Indian Medical Service :—

INDIAN ARMY.

Lieutenants to be Captains.

Dated 3rd July 1912.

Maurice Castle Smith, 64th Pioneers.

Dated 4th July 1912.

Henry William Fitzroy Clive, 129th Duke of Connaught's Own Baluchis.

George Henry Dempster, 35th Sikhs.

Herbert Wardlaw Milne, 74th Punjabis.

Gilbert Leslie-Smith, 24th Punjabis.

Percy Thomas Etherton, 39th Garhwal Rifles.

INDIAN MEDICAL SERVICE.

Captains to be Majors.

Dated 28th June 1912.

William Lapsley, M.B.

Alfred Spitteler, M.B.

George Joseph Grafton Young, M.B.

James Good, M.B.

William Gavin Hamilton.

Lieutenant to be Captain.

Dated 30th January 1912.

Harold Holmes King, M.B.

The KING has approved of the admission of the undermentioned gentlemen to the Indian Medical Service as Lieutenants on probation :—

Dated 27th July 1912.

John Dykes Wilson, M.B.

Laurence Allfrey Pelham Anderson.

William Calder Paton, M.B.

James Bennett Hance, M.B.

Stephen Gordon.

Graham Yalden Thomson, M.B.

Harold Kirkby Rowntree, M.B.

Basil Franklin Eminson, M.B.

Anthony Kennedy, M.B.

Jordan Constantine John, M.B.

Sorab Dhunjibhoy Ratnagar.

Colin McIver.

The KING has approved of the confirmation of the commissions of the following Lieutenants on probation of the Indian Medical Service, with effect from the 27th January 1912 :—

Ronald Herbert Candy, M.B.

Philip John Veale, M.B.

Jamasji Cursetji Bharucha.

Henry Hingston, M.B.

Heerajee Jehangir Manockjee Cursetjee, M.B.

Frederick Jasper Anderson.

Peter Fleming Gow, M.B.

John Simson Stuart Martin, M.B.

Robert Victor Morrison, M.B.

Jogesh Chandra Dey, M.B.

James Walker Jones, M.B.

James Hall Hislop, M.B.

NOTE.—The name of Lieutenant George Blenkhorn Harland, M.B., I.M.S., is as now stated, and not as in the London Gazette of the 20th February 1912.

The KING has approved of the transfer of the undermentioned officer of the Indian Army to the Unemployed Supernumerary List :—

Brevet-Colonel George Eusèbe Even, C.B. Dated 12th August 1912.

The KING has approved of the retirement of the undermentioned officers of the Indian Army, Indian Civil Veterinary Department, and Indian Army Departments :—

INDIAN ARMY.

Dated 11th August 1912.

Colonel Arnold Henry Grant Kemball, C.B.

Brevet-Colonel Alexander Hamilton.

Brevet-Colonel John Swinton Melville.

Brevet-Colonel Henry Lowry Barnwell Acton.

Brevet-Colonel Francis Charles Grant.

Lieutenant-Colonel John Jackson.

Lieutenant-Colonel Edward Edmonstone Couper.

INDIAN CIVIL VETERINARY DEPARTMENT.

Colonel Francis Raymond, C.I.E., F.R.C.V.S. Dated 5th June 1912.

INDIAN ARMY DEPARTMENTS.

Deputy Commissary and Honorary Captain Sydney Hubert Sellens. Dated 12th May 1912.

PROMOTIONS.

INDIAN ARMY.

No. 873.—The following promotion is made, subject to His Majesty's approval :—

Major to be Lieutenant-Colonel.

8th September 1912.

Albert William Andrew, 116th Mahrattas.

INDIAN MEDICAL SERVICE.

No. 874.—The following promotion is made, subject to His Majesty's approval :—

Major to be Lieutenant-Colonel.

27th July 1912.

Hubert Malins Earle.

SUPPLY AND TRANSPORT CORPS.

Amalgamated List.

No. 875.—Staff-Sergeant Alfred Humphreys (seconded) to be Sub-Conductor (seconded) and

Staff-Sergeant John Henry Swain to be Sub-Conductor,

vice Frank Echlin, (late) Madras List, transferred to the pension establishment ; with effect from the 1st September 1912.

NATIVE ARMY.

APPOINTMENTS AND PROMOTIONS.

69th Punjabis.

No. 876.—Jemadar Muhammad Afzal Khan, appointed on probation in Army Department Notification No. 969, dated the 22nd October 1909, is confirmed in that rank ; with effect from the 15th August 1909.

No. 877.—The following promotions are made :—

2nd Lancers (Gardner's Horse).

Dafadar Fateh Chand to be Ressaider, vice Bhaju Singh, promoted ; with effect from the 6th February 1912.

8th Cavalry.

Kot-Dafadar Niamat Ali Khan to be Jemadar, vice Ibrahim Khan, deceased : with effect from the 20th May 1912.

31st Duke of Connaught's Own Lancers.

Risaldar Muhi-ud-din Khan, Bahadur, to be Risaldar-Major, Ressaider Bhola Singh to be Risaldar, Jemadar Ramcharan Singh to be Ressaider and Kot-Dafadar Pakhar Singh to be Jemadar, vice Sundar Singh, Bahadur, transferred to the pension establishment ; with effect from the 9th August 1912.

2nd Battalion, 39th Garhwal Rifles.

Colour-Havildar Jura Sing Negi to be Jemadar, vice Fateh Sing Rawat, transferred to the pension establishment ; with effect from the 1st September 1912.

97th Deccan Infantry.

Havildar-Major Parmeshwar Singh to be Jemadar, vice Rajpat Singh, transferred to the pension establishment ; with effect from the 15th August 1912.

116th Mahrattas.

Jemadar Murari Sinde to be Subadar and Havildar-Major Krishna Upar to be Jemadar, vice Ramchandar Lad, transferred to the pension establishment ; with effect from the 1st August 1912.

DISMISSALS AND REMOVALS.

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

SUB-ASSISTANT SURGEON BRANCH.

Bengal Establishment.

No. 878.—No. 580, 3rd Class Sub-Assistant Surgeon Ali Muhammad is dismissed from the service ; with effect from the 1st August 1912.

PENSIONS.

WARRANT OFFICERS.

No. 879.—The undermentioned warrant officers have been transferred to the pension establishment, with effect from the dates specified :—

Conductor William Dunbar, Ordnance Department, Southern Army,—26th April 1912.

Sub-Conductor Frank Echlin, Supply and Transport Corps, (late) Madras List,—1st September 1912.

RESIGNATIONS.

INDIAN ARMY.

No. 880.—Captain Edward Vincent Jones, 18th Infantry, is permitted to resign the service, subject to His Majesty's approval; with effect from the 24th October 1912.

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

ASSISTANT SURGEON BRANCH.

Bengal Establishment.

No. 881.—3rd Class Assistant Surgeon Cuthbert Edward Rohan Norman is permitted to resign the service; with effect from the 1st October 1912.

SUB-ASSISTANT SURGEON BRANCH.

Bengal Establishment.

No. 882.—No. 1158, 3rd Class Sub-Assistant Surgeon Mazhar Ali Khan is permitted to resign the service; with effect from the 1st October 1912.

Madras Establishment.

No. 883.—No. 1413, 3rd Class Sub-Assistant Surgeon A. N. Devasahayam is permitted to resign the service; with effect from the 1st October 1912.

RETIREMENTS.

INDIAN MEDICAL SERVICE.

No. 884.—Lieutenant-Colonel Hubert Malins Earle, Indian Medical Service, Bengal, has been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, subject to His Majesty's approval; with effect from the 27th July 1912.

(Army Department Notification No. 669, dated the 5th July 1912, is hereby cancelled.)

No. 885.—Major Dugald Nairne Anderson, M.B., Indian Medical Service, has been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, subject to His Majesty's approval; with effect from the 1st September 1912.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Cossipore Artillery Volunteers.

No. 886.—John Henry Scott to be Second Lieutenant, vice J. Melville, promoted. Dated the 1st January 1912.

John Charles Gillmon to be Surgeon-Lieutenant, to fill an existing vacancy. Dated the 12th July 1912.

Northern Bengal Mounted Rifles.

No. 887.—Lieutenant Hugh Gordon Cotton to be Captain, vice R. Gollan, promoted. Dated 18th October 1911.

Madras Volunteer Guards.

No. 888.—Second Lieutenant Richard Killick to be Lieutenant, vice C. W. Moss, resigned. Dated the 13th May 1912.

1st Punjab Volunteer Rifles.

No. 889.—Second Lieutenant Robert Sykes resigns his commission. Dated the 21st July 1912.

1st Battalion, Great Indian Peninsula Railway Volunteer Rifle Corps.

No. 890.—Captain Arthur Gutteridge Herbert, V.D., resigns his commission and is permitted, on retirement, to retain his rank and wear the uniform of the Corps. Dated the 1st May 1912.

Lieutenant Alister Esme Buchan Forbes to be Captain, vice W. S. C. Glover, resigned. Dated the 1st April 1912.

Lieutenant Kenneth Hartley Heathcote Kennedy to be Captain, vice A. G. Herbert, V.D., resigned. Dated the 1st May 1912.

Second Lieutenant Arthur Ernest Mould to be Lieutenant, vice A. E. B. Forbes, promoted. Dated the 1st April 1912.

Second Lieutenant James Boileau Remington to be Lieutenant, vice K. H. H. Kennedy, promoted. Dated the 1st May 1912.

Second Lieutenant Arthur Francis Anderson resigns his commission. Dated the 1st April 1912.

Gilbert McCaul Bell to be Second Lieutenant, *vice* A. F. Anderson, resigned. Dated the 1st April 1912.

James Logan Muir to be Second Lieutenant, *vice* A. E. Mould, promoted. Dated the 1st April 1912.

Rangoon Volunteer Rifles.

No. 891.—Lieutenant Thomas Gemmell resigns his commission. Dated the 1st August 1912.

Burma Railways Volunteer Corps.

No. 892.—Second Lieutenant Norman McIver to be Lieutenant, *vice* W. P. Field, transferred to the Assam-Bengal Railway Volunteer Rifles. Dated the 26th March 1912.

Hyderabad Volunteer Rifles.

No. 893.—George Edward Campbell Wakefield to be Captain, to fill an existing vacancy. Dated the 6th July 1912.

2nd (Presidency) Battalion, Calcutta Volunteer Rifles.

No. 894.—Charles Hugh St. Clair Stuart to be Lieutenant, *vice* A. M. L. Venck, V.D., resigned. Dated the 1st July 1912.

MEDALS AND DECORATIONS.

No. 895.—His Excellency the Governor-General of India is pleased to confer the Volunteer Officers' Decoration upon the undermentioned officers:—

2nd Battalion, Bengal-Nagpur Railway Volunteer Rifle Corps.

Captain Charles Vincent Nixon Shortland.

Assam-Bengal Railway Volunteer Rifles.

Lieutenant-Colonel (Honorary Colonel) Claude Routh.

B. HOLLOWAY, Colonel,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

NOTIFICATION.

Simla, the 13th September 1912.

Under Clause 53 of the Regulations appended to the Regimental Debts Act, 1898, it is notified that a report of the death of the undermentioned Commissioned Officer on the date specified, was received in the Army Department between the 4th and 10th September 1912:—

Corps.	Rank and name.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
1st Battalion, The Royal Irish Rifles.	Major Charles Edward Ramsey Harvey.	4th September 1912	Mhow	...	...

B. HOLLOWAY, Colonel,

Offg. Secretary to the Government of India.

MARINE DEPARTMENT.

Simla, the 13th September 1912.

LEAVE.

No. 56.—Lieutenant E. J. Constant, Royal Indian Marine, has been granted by the Most Hon'ble the Secretary of State for India an extension of leave for three months on medical certificate.

B. HOLLOWAY, Colonel,

Offg. Secretary to the Government of India.

RAILWAY DEPARTMENT.
(RAILWAY BOARD.)

NOTIFICATIONS.

Simla, the 10th September, 1912.

No. 157.—Mr. G. Richards, Executive Engineer, is on return from leave, posted to the North Western Railway.

No. 158.—Mr. O. B. Lacey, Assistant Locomotive Superintendent, North Western Railway, in class III, grade 3, of the Superior Revenue Establishment of State Railways, is appointed to officiate as Works Manager with rank in class II of that establishment, from the 6th August 1912 and until further orders.

The 12th September, 1912.

No. 159.—With reference to Railway Board's notification No. 368 dated the 17th January 1912, Colonel E. W. Walton is confirmed in the appointment of Senior Government Inspector of Railways, Circle No. 3.

No. 160.—With reference to Railway Board's notification No. 431 dated the 22nd March 1912, Captain W. Macrae, R. E., is confirmed in the appointment of Junior Government Inspector of Railways, Circle No. 3.

No. 161.—The following is published for general information :—

No. 1728 R. T., dated the 10th September 1912.

RESOLUTION.—By the Railway Board.

Adoption on the Nadiad-Kapadvanj Railway and on such portions of the Godhra-Lunavada Railway as are situate in British territory, of the General Rules of 1906 for working open lines of railway and of certain modifications therein.

RESOLUTION.—The Agents of the Guzerat Railways Company, Limited, have applied for sanction to the adoption on the Nadiad-Kapadvanj and Godhra-Lunavada Railways, when opened for traffic, of the General Rules of 1906 for working open lines of railway in British India which were promulgated under Railway Board's circular No. R. T. ^{89 A.} ₅, dated the 8th September 1906, and published under their notification No. 183, dated the 8th September 1906, and also of the following modifications in the said General Rules—

- (i) the addendum to rule 86, Chapter III, Part I, promulgated under Railway Board's circular No. R. T. ^{163 B.} ₂, dated the 26th September 1905 and published under their notification No. 205, dated the 5th October 1906;
- (ii) the amendment in rule 359, sub-rule (1), Chapter XXI, Part I, promulgated under Railway Board's circular No. 519 R. T., dated the 27th June 1907, and published under their notification No. 158, dated the 27th June 1907;
- (iii) the revised Appendix B—rules to regulate the transport and importation of explosives—promulgated under Railway Board's circular No. 562 R. T., dated the 5th July 1907, and published under their notification No. 183, dated the 22nd July 1907;
- (iv) the modifications in Part I, promulgated under Railway Board's circular No. 100 R. T., dated the 16th January 1908, and published under their notification No. 11, dated the 17th January 1908;
- (v) the amendments in rule 12, sub-rule (4), and rule 22, of Chapter II, and in rule 110 and rule 111, sub-rule (a), of Chapter V, Part I, promulgated under Railway Board's circular No. 1970 R. T., dated the 3rd November 1908 and published under their notification No. 337, dated the 4th November 1908;
- (vi) the modification of rule 64, Chapter III, Part I, promulgated under Railway Board's circular No. 476 R. T., dated the 12th March 1909, and published under their notification No. 91, dated the 18th March 1909;

- (vii) the amendments in rule 13-IX and 13-XI of Appendix B, promulgated under Railway Board's circular No. 1228 R. T., dated the 6th July 1909, and published under their notification No. 221, dated the 16th July 1909;
- (viii) the addendum to rule 71, sub-rule (1) (a), Chapter III, Part I, promulgated under Railway Board's circular No. 1933 R. T., dated the 26th October 1909, and published under their notification No. 334, dated the 3rd November 1909;
- (ix) the modifications of rule 161, Chapter XII, and rules 198, 200, 201, 215, 217 and 218, Chapter XIII, and the addition of rule 201-A to Chapter XIII, Part I, promulgated under Railway Board's circular No. 974 R. T., dated the 6th July 1910, and published under their notification No. 191, dated the 14th July 1910;
- (x) the addition of rule 33-(A) to Chapter II, Part I, promulgated with Railway Board's circular No. 1677 R. T., dated the 7th December 1910, and published under their notification No. 338, dated the 15th December 1910;
- (xi) the revised Chapter III, and Appendix A, Part II, and the amendments in Chapters II and IV, Part II, promulgated under Railway Board's circular No. 1025 R. T., dated the 10th June 1912, and published under their notification No. 71, dated the 13th June 1912; and
- (xii) the addendum to rule 7, Chapter II, Part II, promulgated under Railway Board's circular No. 1560 R. T., dated the 17th August 1912, and published under their notification No. 147, dated the 22nd August 1912.

2. In exercise of the powers conferred by the notification of the Government of India in the Department of Commerce and Industry, No. 801, dated the 24th March 1905, the Railway Board sanction, under section 47, sub-sections (1) and (4) of the Indian Railways Act, 1890 (IX of 1890), the adoption, with effect from the date of opening of the lines in question for public traffic, of the General Rules of 1906 for working open lines of railway, and of the addenda and corrigenda to the said General Rules, cited in paragraph 1 above, on the Nadiad-Kapadvanj Railway and on such portions of the Godhra-Lunavada Railway as are situated in British territory.

ORDER.—Ordered that this resolution be published under a notification in Part I of the *Gazette of India* as required by section 47, sub-section (3) of the Indian Railways Act, 1890 (IX of 1890); also that the General Rules, including the addenda and corrigenda cited in paragraph 1 above, which have already been published in the *Gazette of India*, be kept open for inspection at railway stations as directed by sub-section (6) of the same section, and that this resolution be communicated to the Agents of the Guzerat Railways Company, Limited, and to the Senior Government Inspector of Railways, Circle No. 5, Bombay, for information.

No. 162.—With reference to Railway Board's Notifications No. 108, dated 28th June 1912, No. 111, dated 5th July 1912, and No. 131, dated 24th July 1912, the following reversions are ordered with effect from the 4th September 1912:—

—	From	To
Mr. H. A. Colin Campbell ...	Officiating Superintendent, 1st grade.	Superintendent, 2nd grade.
Mr. S. C. Lahiri ...	Officiating Superintendent, 2nd grade.	Superintendent, 3rd grade.
Mr. A. G. Saldanha ...	Officiating Superintendent, 2nd grade.	Superintendent, 3rd grade.
Mr. T. B. Heysham ...	Officiating Superintendent, 3rd grade.	Secretariat Assistant, 1st grade.

R. C. F. VOLKERS,
Secretary, Railway Board.



The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 38. }

SIMLA, SATURDAY, SEPTEMBER 21, 1912.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART I.

Government of India Notifications, Appointments, Promotions, &c.

GOVERNMENT OF INDIA. LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 16th September, 1912.

No. 47.—IN exercise of the powers conferred by section 6 of the Indian Councils Act, 1909 (9 Edw. VII, c. 4), the Governor General in Council, with the approval of the Secretary of State for India in Council, is pleased to make the following amendments in the Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor of Fort St. George

published in Notification No. 15, of the Government of India in the Legislative Department, dated 15th November 1909:—

1. In Regulation I—

- (1) in clause (1), sub-clause A, for the word "nineteen" the word "twenty-one" shall be substituted, and
- (2) in clause (1), sub-clause B, for the word "twenty-three" the word "twenty-one" shall be substituted.

2. In Regulation II—

- (1) for the word "nineteen" the word "twenty-one" shall be substituted;
- (2) in sub-head (iii), for the words "Municipal Councils and District and Taluk Boards" the words "non-official Members of Municipal Councils and District and Taluk Boards and certain other electors" shall be substituted, and for the figure "8" the figure "9" shall be substituted; and
- (3) in sub-head (v), for the figure '2' the figure '3' shall be substituted.

3. In Regulation IV—

- (1) after clause (a), the following clause shall be inserted, namely:—
" (b) is an official, or "

and clauses (b), (k), (d), (e), (f), (g), (h) and (i) shall respectively be relettered as clauses (c), (d), (e), (f), (g), (h), (i) and (k); and in the proviso to the said Regulation for the letters and word "(f), (g), (h) and (i)," the letters and word "(g), (h), (i) and (k)" shall be substituted.

- (2) In clause (d) as relettered, the word "Civil" shall be omitted.

4. In Regulation VI, clause (c), the word "Civil" shall be omitted.

5. In Regulation VIII, for the words and letters "clause (c), (e), (f), (g) or (h)" the words and letters "clause (d), (f), (g), (h) or (i)" shall be substituted.

6. In Regulation X (1), for the words "Save as provided as the case may be", the following shall be substituted, namely,

" Save as otherwise provided in these Regulations the term of office of an Additional Member shall be three years commencing from—

- (a) in the case of a nominated member, the date of the publication in the Fort St. George Gazette of the notification by which he is nominated,

- (b) in the case of an elected member, the date of the publication in the Fort St. George Gazette of the result of the election, or where the result of such election has been so published before the vacancy has occurred, from the date on which such vacancy occurs."

7. For Regulation XIII the following regulation shall be substituted namely:—

"XIII.—The power of making laws and regulations, and of transacting other business vested in the Legislative Council of the Governor of Fort St. George shall be exercised only when ten or more Additional Members of the Council are present."

8. For the words "local official gazette" wherever they occur in the said Regulations or in the Schedules annexed thereto, the words "Fort St. George Gazette" shall be substituted.

AMENDMENT OF SCHEDULES.

SCHEDULES I AND II.

9. To rule 3, sub-rule 1 of each of Schedules I and II, the following words shall be added, namely:—

" Provided that the returning officer is satisfied that such person is willing to be so nominated."

10. After rule 4 of each of the said Schedules, the following rule shall be inserted, namely:—

"4-A (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the returning officer not less than fourteen clear days before the date fixed for the recording of votes, or if the period between the dates fixed for the scrutiny of nomination papers and the recording of votes is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The returning officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election."

11. For rule 5 (2) of each of the said Schedules, the following sub-rules shall be substituted, namely :—

" (2) Where an elector subscribes two or more nomination papers, all such nomination papers except the one first received by the returning officer shall be deemed to be invalid, and if the returning officer is unable to determine which of such nomination papers was first received by him, both or all of such papers shall be deemed to be invalid.

(3) The returning officer shall examine the nomination papers and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the returning officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI."

12. In rule 6 of each of the said Schedules :—

(1) In sub-rule (1) for the words "one candidate only is duly nominated", the following words shall be substituted, namely, "one duly nominated candidate only stands for election."

(2) In sub-rule (2) for the words "more candidates than one are duly nominated", the following words shall be substituted, namely, "more duly nominated candidates than one stand for election."

13. To rule 7 of each of the said Schedules, the following proviso shall be added, namely :—

" Provided that if an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by this rule, the returning officer shall assist him in such manner as may be necessary to mark the voting paper and sign the declaration on the back thereof."

14. In rule 9 of each of the said Schedules, for sub-rule (2) the following sub-rules shall be substituted, namely :—

" (2) Where an elector records his vote on two or more voting papers, all such voting papers except the one first received by the returning officer shall be deemed to be invalid, and if the returning officer is unable to determine which of such papers was received first, both or all of such papers shall be deemed to be invalid.

" (3) The returning officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules and, save as provided in rule 10 (4) or in Regulation XVI, such rejection shall be final."

And sub-rule (3) of the said rules shall be renumbered (4).

15. For rule 10 (4) of each of the said Schedules, the following shall be substituted, namely :—

" (4) If an objection is made to any voting paper on the ground that it is invalid under these rules or to the rejection by the returning officer of any voting paper, it shall be decided at once by the returning officer whose decision shall be final, save as provided in Regulations VIII and XVI."

SCHEDULE III.

16. In the heading to Schedule III, for the words "Municipal Councils and District and Taluk Boards" the words "the non-official Members of Municipal Councils and District and Taluk Boards and certain other electors" shall be substituted.

17. In rule 2 of the said Schedule—

- (a) for the word " eight " the word " nine " shall be substituted ;
- (b) the words " by the Municipal Councils and District and Taluk Boards therein " shall be omitted ; and
- (c) for the words and figures,

(3) Nellore, Chingleput and North Arcot,
 (4) Cuddapah, Kurnool, Bellary and Anantapur,
 (5) Salem, Coimbatore and the Nilgiris,
 (6) South Canara and Malabar (including Anjengo and Tangasseri),
 (7) Tanjore, South Arcot and Trichinopoly,
 (8) Madura and Tinnevelly".

the following shall be substituted, namely :—

- " (3) Nellore, Cuddapah and Chittoor,
 (4) Kurnool, Bellary and Anantapur,
 (5) Chingleput, North Arcot and South Arcot,
 (6) Salem, Coimbatore, and the Nilgiris,
 (7) South Canara and Malabar (including Anjengo and Tangasseri),
 (8) Tanjore and Trichinopoly,
 (9) Madura, Ramnad, and Tinnevelly."

18. For the heading ' *Electors* ' and Rules 3 to 5 of the said Schedule, the following headings and rules shall be substituted, namely :—

" Qualifications of Electors."

" 3. (1) The election shall be made by all persons not disqualified to vote under these Regulations who—

- (a) on the 30th June preceding the publication of the roll, were non-official members of a Municipal Council or a District or Taluk Board within the electoral area concerned, or
- (b) have been non-official Members of a Municipal Council or a District or Taluk Board within the electoral area concerned for an aggregate period of not less than three years during the decade expiring on the said date, or
- (c) are not qualified to vote at an election held under any other Schedule annexed to these Regulations and are holders of any title conferred or recognised by the Government (higher in rank than the title of Rao Sahib) or are Members of the Order of the Star of India or of the Order of the Indian Empire, or are holders of the Kaiser-i-Hind medal.

" In computing the aggregate period referred to in sub-clause (b) distinct periods of service on the same or different local bodies in an electoral area may be combined :

" Provided that if during any period a person is a member of more than one local body in an electoral area the said period shall be reckoned only once in computing the said aggregate period.

" (2) No elector shall have more than one vote in any electoral area though he may possess more than one of the qualifications above described, and he shall be entitled to vote only in the district under which his name is entered in the revised electoral roll, and, if his name is entered therein under more districts than one, in such one of those districts as he may elect by intimation in writing given to the returning officer not later than the 10th of October, or failing such election, in the district to be fixed in that behalf by the returning officer before the final publication of the roll."

Electoral roll.

" 4. (1) In the month of July in each year the returning officer shall prepare and publish in the Fort St. George Gazette and in the official gazette of each district concerned a draft electoral roll for each electoral area in Form I annexed to this Schedule, together with a notice stating that any objections relating to entries in or omissions from the said electoral roll may be preferred on or before the 31st of August to the Collector of the district concerned.

(2) Such Collector shall fix a place and a date not later than the 30th of September for hearing objections to the electoral roll, and shall give notice of the place and date so fixed to all parties concerned in such manner as the Local Government may prescribe.

(3) The Collector may before the date fixed by him under sub-rule (2) of his own motion revise the electoral roll so far as it relates to his district; any alteration in the roll made on such revision shall be published previous to the date fixed under sub-rule (2) in such manner as the Local Government may prescribe.

(4) The Collector shall at the place and on the date fixed under sub-rule (2) hear and decide objections to the electoral roll as also to any revision of the roll made by him on his own motion.

(5) On the 1st of October, the Collector shall send a copy of the electoral roll as revised to the returning officer.

(6) The returning officer shall publish the final electoral roll in the Fort St. George Gazette and in the official gazettes of the districts concerned on or before the 31st of October, and such electoral roll shall come into force on the 1st of November and continue in force until the publication of the next final electoral roll.

(7) The Local Government may from time to time by notification in the Fort St. George Gazette and official gazettes of the districts concerned alter the dates specified in this rule.

5. The electoral roll in force at the date of the notification issued by the Governor under these Regulations calling upon the electorate to elect a Member under these rules shall be conclusive evidence for the purpose of determining whether any person is or is not qualified to vote at such election".

19. In rule 6 of the said Schedule—

- (1) in sub-rule (1) for the words "under this Schedule", the words "at the election" shall be substituted;
- (2) in sub-rule (2) for the word and figure "Form I" the word and figure "Form II" shall be substituted;
- (3) in sub-rule (3) the words "and shall be attested by the attesting officer in the manner prescribed on the face of the form" shall be omitted;
- (4) for sub-rule (4) of the said rule the following sub-rule shall be substituted, namely:—

"(4) Every nomination paper shall be presented for attestation on the date and at the time and place appointed by the Local Government in this behalf, and if the attesting officer is satisfied that the nominee is willing to stand for election, shall be attested by the attesting officer in the manner prescribed on the face of the form and without delay despatched by registered post to the returning officer."

20. After rule 7 of the said Schedule, the following rule shall be inserted, namely:—

"7A (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the returning officer not less than fourteen clear days before the date fixed for the recording of votes; or, if the period between the dates fixed for the scrutiny of nomination papers and the recording of votes is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The returning officer shall forthwith notify any such withdrawal in such manner as the Local Government may prescribe, and shall communicate the withdrawal to the attesting officer who shall thereupon remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election."

21. For rule 8 (2) of the said Schedule, the following sub-rules shall be substituted, namely :—

"(2) Where an elector subscribes two or more nomination papers all such nomination papers except the one first received by the attesting officer shall be deemed to be invalid, and if the returning officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The returning officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the returning officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given and shall be final save as provided in Regulations VIII and XVI."

22. In rule 9 of the said Schedule—

(1) In sub-rule (1) for the words "one candidate only is duly nominated," the following words shall be substituted, namely :—

"one duly nominated candidate only stands for election," and

(2) In sub-rule (2) for the words "more candidates than one are duly nominated," the following words shall be substituted, namely :—

"more duly nominated candidates than one stand for election."

23. In rule 10 of the said Schedule—

(1) In sub-rule (1) for the words "in which he holds office as aforesaid," the words "in which he is entitled to vote" shall be substituted.

(2) In sub-rule (2) for the word and figure "Form II," the word and figure "Form III" shall be substituted.

(3) And to the said rule the following sub-rule shall be added, namely :—

"(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the attesting officer shall assist him in such manner as may be necessary to mark the voting paper and sign the declaration on the back thereof."

24. In rule 11 (2) of the said Schedule, for the word and figure "Form III," the word and figure "Form IV" shall be substituted.

25. In rule 12 of the said Schedule, for sub-rule (2) the following sub-rules shall be substituted, namely :—

"(2) Where an elector records his vote on two or more voting papers, all such voting papers except the one first received by the attesting officer shall be deemed to be invalid, and if the returning officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The returning officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules and save as provided in rule 13 (4) or in Regulation XVI such rejection shall be final."

And sub-rule (3) of the said rule shall be renumbered as (4).

26. In rule 13 of the said Schedule, for sub-rule (4) the following shall be substituted namely :—

"(4) If an objection is made to any voting paper on the ground that it is invalid under these rules or to the rejection by the returning officer of any voting paper, it shall be decided at once by the returning officer whose decision shall be final, save as provided in Regulations VIII and XVI."

27. To the said Schedule the following Form shall be inserted and numbered as Form No. I, and Forms Nos. I, II and III annexed to the Schedule shall be renumbered as Forms II, III and IV, respectively.

FORM I.

(SEE RULE 4.)

Electoral Roll of Members of Municipal Councils and District and Taluk Boards and certain other electors for Group of Districts.

Serial number on General roll.	Serial number on District roll.	Name of elector.	Name of elector's father, karnavu or ejan.	Address.	Qualifications.	Serial number in previous general electoral roll.
1	2	3	4	5	6	7

28. In Form II as renumbered the following words and figures shall be substituted for items 5 and 6, namely:—

“5. Place of residence.

“6. Number borne by the candidate on the general electoral roll;

“7. District under which the name of the candidate is entered in the general electoral roll;”

Items 7 and 8 shall be renumbered as 8 and 9, and for the words “non-official members.....area concerned,” the following words shall be substituted, namely:—

“Electors Nos. _____ and _____ on the general electoral roll of persons qualified to vote for the _____ Group of Districts for the election of an Additional Member of the Legislative Council of the Governor of Fort St. George by non-official members of the Municipal Councils and District and Taluk Boards and certain other electors in the electoral area.”

29. In Form III, as renumbered, after the words “Taluk Boards” the words “and certain other electors” shall be inserted, and on the back of the said form for the words “a non-official _____ District of _____” the following shall be substituted, namely:—

“the same person whose name appears as No. _____ on the general electoral roll of non-official Members of Municipal Councils and District and Taluk Boards and certain other electors for the Districts of _____ for the election of an Additional Member to the Legislative Council of the Governor of Fort St. George.”

SCHEDULE IV.

30. In rule 1 of Schedule IV, for sub-rule (4), the following shall be substituted, namely:—

“4. ‘Estate’ means:—

(a) any permanently settled estate or temporarily settled Zamindari or any portion of such estate or Zamindari, provided that such portion is separately registered in the office of the Collector;

(b) any unsettled palaiyam or jagir; or

(c) any village the land-revenue of which alone has been granted in *inam* to a person not owning the kudivaram thereof, if such grant has been made, confirmed or recognised by the British Government, or any separated part of such village; or

(d) any portion consisting of one or more villages of any of the estates specified in clauses (a) and (b) which is held on a permanent under-tenure.”

31. In rule 2 of the said Schedule in Group (1) after the words “North Arcot” the word “Chittoor” shall be inserted, and in Group (2) after the word “Madura” the word “Ramnad” shall be inserted.

32. For rules 9 and 10 of the said Schedule, the following rules shall be substituted, namely:—

“9. (1) During the month of July in each year the returning officer shall prepare and publish in the Fort St. George Gazette and in the official gazette of each district concerned a draft electoral roll for each electoral area in Form I annexed to this Schedule, together with a notice stating that any objections relating to entries in or omissions from the electoral roll may be preferred on or before the 31st of August to the Collector of the district concerned.

(2) Such Collector shall fix a place and a date not later than the 30th of September for hearing objections to the electoral roll, and shall give

notice of the place and date so fixed to all parties concerned in such manner as the Local Government may prescribe.

- (3) The Collector may before the date fixed by him under sub-rule (2) of his own motion revise the electoral roll so far as it relates to his district; any alteration in the roll made on such revision shall be published previous to the date fixed under sub-rule (2) in such manner as the Local Government may prescribe.
- (4) The Collector shall at the place and on the date fixed under sub-rule (2) hear and decide objections to the electoral roll as also to any revision of the roll made by him on his own motion.
- (5) On the 1st of October the Collector shall send a copy of the electoral roll as revised to the returning officer.
- (6) The returning officer shall publish the final electoral roll in the Fort St. George Gazette and in the official gazettes of the districts concerned on or before the 31st of October, and such electoral roll shall come into force on the 1st of November and continue in force until the publication of the next final electoral roll.
- (7) The Local Government may from time to time by notification in the Fort St. George Gazette and the official gazettes of the districts concerned alter the dates specified in this rule.
- " 10 (1) Where an estate is registered in the name of a single holder, the name of that holder alone shall be entered in the electoral roll.
- (2) Where several persons are registered as joint holders of an estate, a majority of the adult male persons so registered may nominate in writing any one of themselves who is qualified to vote to be their representative for voting purposes, and the name of such representative alone shall be entered in the electoral roll under the district in which he resides, and if such nomination is not made, no entry shall be made in the roll in respect of such estate.
- " 11 The electoral roll in force at the date of the notification issued by the Governor under these Regulations calling upon the electorate to elect a member under these rules shall be conclusive evidence for the purpose of determining whether any person is or is not qualified to vote at such election."

33. Rule 11 of the said Schedule shall be renumbered as 12, and rule 12 of the said Schedule and the heading "*Revision of electoral roll*" shall be omitted.

34. In rule 13 of the said Schedule—

- (1) In sub-rule (1) for the words "whose name is on the electoral roll", the words "who is qualified to vote at the election" shall be substituted.
- (2) In sub-rule (3) the words "and shall be attested by the attesting officer in the manner prescribed on the face of the form" shall be omitted.
- (3) For sub-rule (4), the following sub-rule shall be substituted, namely:—
- " (4) Every nomination paper shall be presented for attestation on the date and at the time and place appointed by the Local Government in this behalf, and, if the attesting officer is satisfied that the nominee is willing to stand for election, shall be attested by the attesting officer in the manner prescribed on the face of the form and without delay despatched by registered post to the returning officer."

35. After rule 14 of the said Schedule, the following rule shall be inserted, namely:—

- " 14-A (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the returning officer not less than fourteen clear days

before the date fixed for the recording of votes, or if the period between the dates fixed for the scrutiny of nomination papers and the recording of votes is less than fourteen clear days, not later than the date fixed for such scrutiny.

- (2) The returning officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall communicate the withdrawal to the attesting officer who shall thereupon remove from the voting paper the name of the candidate who has withdrawn his candidature.
- (3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election."

36. In rule 15 of the said Schedule, for sub-rule (2) the following sub-rules shall be substituted, namely :—

- "(2) Where an elector subscribes two or more nomination papers, all such nomination papers except the one first received by the attesting officer shall be deemed to be invalid, and if the returning officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.
- (3) The returning officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground ; the decision of the returning officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given and shall be final save as provided in Regulations VIII and XVI."

37. In rule 16 of the said Schedule—

- (1) In sub-rule (1) for the words "one candidate only is duly nominated," the following shall be substituted, namely, "one duly nominated candidate only stands for election ;" and
- (2) in sub-rule (2) for the words "more candidates than one are duly nominated," the following words shall be substituted, namely, "more duly nominated candidates than one stand for election."

38. To rule 17 of the said Schedule, the following sub-rule shall be added, namely :—

- "(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the attesting officer shall assist him in such manner as may be necessary to mark the voting paper and sign the declaration on the back thereof."

39. In rule 19 of the said Schedule, for sub-rule (2) the following sub-rules shall be substituted, namely :—

- "(2) Where an elector records his vote on two or more voting papers, all such voting papers except the one first received by the attesting officer shall be deemed to be invalid, and if the returning officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.
- (3) The returning officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and save as provided in rule 20 (4) or in Regulation XVI such rejection shall be final."

And sub-rule (3) shall be renumbered as (4).

40. In rule 20 of the said Schedule for sub-rule (4) the following shall be substituted, namely :—

"(4) If an objection is made to any voting paper on the ground that it is invalid under these rules or to the rejection by the returning officer of any voting paper, it shall be decided at once by the returning officer whose decision shall be final, save as provided in Regulations VIII and XVI."

41. In rule 24 of the said Schedule, clause (a) shall be omitted, and clauses (b), (c), (d) and (e) shall be relettered (a), (b), (c) and (d).

42. In Form I annexed to the said Schedule, after column 6 a column shall be inserted as column 7 with the following heading, namely :—"whether representing a joint family or joint holders of an estate," and column 7 shall be re-numbered 8.

SCHEDULE V.

43. In rule 1 of Schedule V, for sub-rule (4) the following shall be substituted, namely :—

"(4) 'estate' means—

- (a) any permanently settled estate or temporarily settled Zamindari or any portion of such estate or Zamindari provided that such portion is separately registered in the office of the Collector; or
- (b) any unsettled palaiyam or jagir; or
- (c) any village, the land-revenue of which alone has been granted in *inam* to a person not owning the kudivaram thereof, if such grant has been made, confirmed or recognised by the British Government, or any separated part of such village; or
- (d) any portion consisting of one or more villages of any of the estates specified in clauses (a) and (b) which is held on a permanent under-tenure."

44. In rule 2 of the said Schedule—

- (1) For the word "two" the word "three" shall be substituted;
- (2) In Group (1) after the words "North Arcot" the word "Chittoor" shall be inserted;
- (3) In Group (2) the words "South Canara, Malabar (including Anjengo and Tangasseri)" shall be omitted, and the word "Ramnad" shall be inserted after the word "Madura."
- (4) The following clause shall be added at the end of the rule, namely :—
"Group (3). Malabar (including Anjengo and Tangasseri) and South Canara."

45. In rule 3 of the said Schedule, for the word "three" the word "one" shall be substituted.

46. In rule 4, sub-rule 1 of the said Schedule :—

- (1) clause (d) shall be omitted, and sub-clauses (e) and (f) shall be relettered (d) and (e);
- (2) in the proviso to clause (d), as relettered, the words and letter "or clause (e) above as the case may be" shall be omitted.

47. For rules 7 and 8 of the said Schedule, the following rules shall be substituted, namely :—

"7. (1) During the month of July in each year the returning officer shall prepare and publish in the Fort St. George Gazette and in the official gazette of each district concerned a draft electoral roll for each electoral area in Form I annexed to this Schedule, together with a notice stating that any objection relating to entries in or omissions from the electoral roll may be preferred on or before the 31st of August to the Collector of the district concerned.

(2) Such Collector shall fix a place and a date not later than the 30th of September for hearing objections to the electoral roll, and shall

give notice of the place and date so fixed to all persons concerned in such manner as the Local Government may prescribe.

- (3) The Collector may before the date fixed by him under sub-rule (2) of his own motion revise the electoral roll so far as it relates to his district; any alteration in the roll made on such revision shall be published previous to the date fixed under sub-rule (2) in such manner as the Local Government may prescribe.
- (4) The Collector shall at the place and on the date fixed under sub-rule (2) hear and decide objections to the electoral roll as also to any revision of the roll made by him on his own motion.
- (5) On the 1st of October the Collector shall send a copy of the electoral roll as revised to the returning officer.
- (6) The returning officer shall publish the final electoral roll in the Fort St. George Gazette and in the official gazettes of the districts concerned on or before the 31st of October, and such electoral roll shall come into force on the 1st of November and continue in force until the publication of the next final electoral roll.
- (7) The Local Government may from time to time by notification in the Fort St. George Gazette and the official gazettes of the districts concerned alter the dates specified in this rule.
8. The electoral roll in force at the date of the notification issued by the Governor under these Regulations calling upon the electorate to elect a member under these rules shall be conclusive evidence for the purpose of determining whether any person is or is not qualified to vote at such election.

48. Rule 14 of the said Schedule and the heading "*Revision of electoral roll*" shall be omitted, and Rules 15 and 16 of the said Schedule shall be renumbered as 14 and 15, respectively.

49. In rule 14 as renumbered of the said Schedule—

- (1) In sub-rule (1) for the words "whose name is on the electoral roll," the words "and qualified to vote at the election" shall be substituted.
- (2) In sub-rule (3) the words "and shall be attested by the attesting officer in the manner prescribed on the face of the form" shall be omitted.
- (3) For sub-rule (4), the following shall be substituted, namely:—
- (4) Every nomination paper shall be presented for attestation on the date and at the time and place appointed by the Local Government in this behalf, and if the attesting officer is satisfied that the nominee is willing to stand for election, shall be attested by the attesting officer in the manner prescribed on the face of the form and without delay despatched by registered post to the returning officer."

50. After rule 15 as renumbered of the said Schedule, the following rule shall be inserted as Rule 16, namely:—

" 16 (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the returning officer not less than fourteen clear days before the date fixed for the recording of votes, or if the period between the dates fixed for the scrutiny of nomination papers and the recording of votes is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The returning officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall communicate the withdrawal to the attesting officer who shall thereupon remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election."

51. In rule 17 of the said Schedule, for sub-rule (2) the following sub-rules shall be substituted, namely:—

"(2) Where an elector subscribes two or more nomination papers, all such nomination papers except the one first received by the attesting officer shall be deemed to be invalid, and if the returning officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The returning officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the returning officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given and shall be final save as provided in Regulations VIII and XVI."

52. In rule 18 of the said Schedule—

(1) In sub-rule (1) for the words "one candidate only is duly nominated," the following words shall be substituted, namely, "one duly nominated candidate only stands for election."

(2) In sub-rule (2) for the words "more candidates than one are duly nominated," the following words shall be substituted, namely, "more duly nominated candidates than one stand for election."

53. To rule 19 of the said Schedule, the following sub-rule shall be added, namely:—

"(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the attesting officer shall assist him in such manner as may be necessary to mark the voting paper and sign the declaration on the back thereof."

54. In rule 21 of the said Schedule, for sub-rule (2) the following sub-rules shall be substituted, namely:—

"(2) Where an elector records his vote on two or more voting papers, all such voting papers except the one first received by the attesting officer shall be deemed to be invalid, and if the returning officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The returning officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules and, save as provided in Rule 22 (4) or in Regulation XVI, such rejection shall be final."

And sub-rule (3) of the said rule shall be renumbered as (4).

55. In rule 22 of the said Schedule, for sub-rule (4), the following shall be substituted, namely:—

"(4) If an objection is made to any voting paper on the ground that it is invalid under these rules or to the rejection by the returning officer of any voting paper, it shall be decided at once by the returning officer whose decision shall be final, save as provided in Regulations VIII and XVI."

56. In rule 26 of the said Schedule, clause (a) shall be omitted, and clauses (b), (c), (d) and (e) shall be relettered as (a), (b), (c) and (d); in clause (a), as relettered, for the word and figures "rule 15" the word and figures "rule 14" shall be substituted.

57. In Form II annexed to the said Schedule for the word and figures "rule 35," the word and figures "rule 14" shall be substituted.

SCHEDULE VI.

58. In rule 1 of Schedule VI—

(1) For sub-rule (4) the following shall be substituted, namely :—

"(4) 'Estate' means—

- (a) any permanently settled estate or temporarily settled Zamin-dari or any portion of such estate or Zamin-dari provided that such portion is separately registered in the office of the Collector; or
- (b) any unsettled palaiyam or jagir; or
- (c) any village the land-revenue of which alone has been granted in *inam* to a person not owning the kudivaram thereof, if such grant has been made, confirmed or recognised by the British Government, or any separated part of such village; or
- (d) any portion consisting of one or more villages of any of the estates specified in clauses (a) and (b) which is held on a permanent under-tenure."

(2) After sub-rule (4) as substituted, the following shall be inserted, namely :—

"(5) 'Firm' means an association of two or more individuals trading jointly and not being registered under the Indian Companies Act, 1882, or any other law for the time being in force;"

and definitions (5) and (6) shall be renumbered (6) and (7).

59. In rule 2 of the said Schedule in Group (1) the word "Chittoor" shall be inserted after the words "North Arcot," and in Group (2) the word "Ramnad" shall be inserted after the word "Madura."

60. In rule 3 of the said Schedule—

(1) For clause (2) the following shall be substituted, namely :—

"(2) have during the financial year immediately preceding that in which the election is held paid on their own account income-tax on an income of not less than two thousand rupees;" or

(2) In clause (5) after the word "pensions" the following words shall be inserted, namely :—

"of rupees fifteen per mensem and upwards."

61. In rule 5 of the said Schedule in sub rule (1), clause (d) shall be omitted; and clauses (e) and (f) shall be relettered (d) and (e). And in the proviso to clause (d) as relettered, the words and letter "or (e) above as the case may be" shall be omitted.

62. In rule 7 of the said Schedule, the bracketed figure (1) and sub-rule (2) shall be omitted.

63. For rules 9 and 10 of the said Schedule, the following rules shall be substituted, namely :—

"9. (1) During the month of July in each year the returning officer shall prepare and publish in the 'Fort St. George Gazette' and in the official gazette of each district concerned a draft electoral roll for each electoral area in Form I annexed to this Schedule together with a notice stating that any objection relating to entries in or omission from the electoral roll may be preferred on or before the 31st of August to the Collector of the district concerned.

(2) Such Collector shall fix a place and a date not later than the 20th of September for hearing objections to the electoral roll, and shall give notice of the place and date so fixed to all persons concerned in such manner as the Local Government may prescribe.

(3) The Collector may before the date fixed by him under sub-rule (2) of his own motion revise the electoral roll so far as it relates to his district; any alteration in the roll made on such revision shall be published previous to the date fixed under sub-rule (2) in such manner as the Local Government may prescribe.

(4) The Collector shall at the place and on the date fixed under sub-rule (2) hear and decide objections to the electoral roll as also to any revision of the roll made by him on his own motion.

(5) On the 1st of October the Collector shall send a copy of the electoral roll as revised to the returning officer.

(6) The returning officer shall publish the final electoral roll in the Fort St. George Gazette and in the official gazettes of the districts concerned on or before the 31st of October, and such electoral roll shall come into force on the 1st of November and continue in force until the publication of the next final electoral roll.

(7) The Local Government may from time to time by notification in the Fort St. George Gazette and the official gazettes of the districts concerned alter the dates specified in this rule.

*10. The electoral roll in force at the date of the notification issued by the Governor under these Regulations, calling upon the electorate to elect a member under these rules shall be conclusive evidence for the purpose of determining whether any person is or is not qualified to vote at such election."

64. Rule 8 of the said Schedule and the heading "*Revision of electoral roll*" shall be omitted, and rules 19 and 20 of the said Schedule shall be renumbered as 18 and 19, respectively.

65. In rule 18 as renumbered of the said Schedule—

(1) In sub-rule (1) for the words "whose name is on the electoral roll," the words "and qualified to vote at the election" shall be substituted.

(2) In sub-rule (3) the words "and shall be attested by the attesting officer in the manner prescribed on the face of the form" shall be omitted.

(3) For sub-rule (4), the following sub-rule shall be substituted, namely:—

"(4) Every nomination paper shall be presented for attestation on the date and at the time and place appointed by the Local Government in this behalf, and if the attesting officer is satisfied that the nominee is willing to stand for election, shall be duly attested by the attesting officer in the manner prescribed on the face of the form and without delay despatched by registered post to the returning officer."

65. After rule 19 as renumbered of the said Schedule, the following rule shall be inserted as rule 20, namely:—

"20 (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the returning officer not less than fourteen clear days before the date fixed for the recording of votes, or if the period between the dates fixed for the scrutiny of nomination papers and the recording of votes is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The returning officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall communicate the withdrawal to the attesting officer who shall thereupon remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election."

67. In rule 21 of the said Schedule, for sub-rule (2) the following sub-rules shall be substituted, namely :—

(2) Where an elector subscribes two or more nomination papers, all such nomination papers except the one first received by the attesting officer shall be deemed to be invalid, and if the returning officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The returning officer shall examine the nomination papers and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the returning officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given and shall be final save as provided in Regulations VIII and XVI."

68. In rule 22 of the said Schedule—

(1) In sub-rule (1) for the words "one candidate only is duly nominated," the following words shall be substituted, namely, "one duly nominated candidate only stands for election."

(2) In sub-rule (2) for the words "more candidates than one are duly nominated," the following words shall be substituted, namely, "more duly nominated candidates than one stand for election."

69. To rule 23 of the said Schedule, the following sub-rule shall be added namely :—

(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the attesting officer shall assist him in such manner as may be necessary to mark the voting paper and sign the declaration on the back thereof."

70. In rule 25 of the said Schedule, for sub-rule (2) the following sub-rules shall be substituted, namely :—

(2) Where an elector records his vote on two or more voting papers all such papers except the one first received by the attesting officer shall be deemed to be invalid, and if the returning officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The returning officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules and, save as provided in rule 26 (4) or in Regulation XVI, such rejection shall be final."

And sub-rule (3) shall be re-numbered as (4).

71. In rule 26 of the said Schedule, for sub-rule (4) the following sub-rule shall be substituted, namely :—

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules or to the rejection by the returning officer of any voting paper, it shall be decided at once by the returning officer whose decision shall be final, save as provided in Regulations VIII and XVI."

72. In rule 30 of the said Schedule, clause (a) shall be omitted, and clauses (b), (c), (d) and (e) shall be relettered (a), (b), (c) and (d), respectively; and in clause (a), as relettered, for the word and figures "rule 19" the word and figures "rule 18" shall be substituted.

73. In Form II annexed to the said Schedule, for the word and figures "rule 19," the word and figures "rule 18" shall be substituted.

W. H. VINCENT,

Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.

DELHI.

Simla, the 17th September 1912.

No. 911.—In exercise of the powers conferred by Section 3 of the Government of India Act, 1854 (17 & 18 Vict., c. 77) and with the sanction and approbation of the Secretary of State for India, the Governor General in Council is pleased to issue the following Proclamation :—

PROCLAMATION.

The following territory, which is now included within the Province of the Punjab, namely :—

that portion of the District of Delhi comprising the Tahsil of Delhi and the police station of Mahrauli,

shall, on and from the first day of October 1912, be taken under the immediate authority and management of the Governor General of India in Council and formed into a Chief Commissionership, to be called the Chief Commissionership of Delhi; and the Hon'ble Mr. William Malcolm Hailey, C.I.E., I.C.S., is hereby appointed to be the Chief Commissioner of Delhi, with effect from that date.

The 19th September, 1912.

No. 930.—The Hon'ble Mr. W. M. Hailey, C.I.E., I.C.S., is placed on special duty under the Home Department with effect from the 31st August 1912 and up to the 30th September 1912.

ESTABLISHMENTS.

The 16th September 1912.

No. 1745.—The Honourable Sir James Scorgie Meston, K.C.S.I., received charge of the office of Lieutenant-Governor of the United Provinces of Agra and Oudh from the Honourable Sir John Prescott Hewett, G.C.S.I., C.I.E., on the afternoon of the 15th September 1912.

The 18th September, 1912.

No. 1759.—Mr. C. W. E. Cotton, of the Indian Civil Service, is appointed to be Deputy Secretary to the Government of India in the Home Department, substantively *pro tempore*, with effect from the 18th September 1912.

MEDICAL.

The 14th September, 1912.

No. 790.—The services of Captain W. S. J. Shaw, M.B., I.M.S., are placed at the disposal of the Government of Bombay.

POLICE.

The 19th September, 1912.

No. 1352.—The services of Lieutenant H. W. F. Clive, 129th Baluchis, are placed at the disposal of the Government of Burma, for employment in the Burma Military Police.

H. WHEELER,
Secretary to the Government of India.

DEPARTMENT OF EDUCATION.

NOTIFICATION.

ECCLESIASTICAL.

Simla, the 20th September, 1912.

No. 459.—The Reverend G. E. Nicolls, a Senior Chaplain on the Bengal (Lahore) Ecclesiastical Establishment, has been permitted to retire from the service, with effect from the 1st October 1912.

L. C. PORTER.

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 16th September 1912.

No. 1947-I.B.—Whereas the Governor-General in Council has full and exclusive power and jurisdiction over the lands lying within the States specified in the second column of the schedule hereto annexed which are occupied by the Railways specified in the first column of the said schedule (including the lands occupied by stations, by out-buildings and for other railway purposes) and over all persons and things whatsoever within the said lands:

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902 and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to provide as follows for the administration of justice within the said lands:—

- (1) All laws for the time being in force in the districts specified in the third column of the said schedule shall be in force in the lands lying within the States specified in the corresponding entry in the second column which are occupied by the portions of the Railways specified in the corresponding entry in the first column thereof.
- (2) The Local Government and all officers subordinate to it for the time being exercising executive authority within the said districts shall exercise the like authority within the said lands.
- (3) All Courts having for the time being jurisdiction within the said districts or areas shall have the like jurisdiction within the said lands.
- (4) The following notifications of the Government of India in the Foreign Department are hereby cancelled to the extent noted against each:—

No 1890-I., dated the 1st June 1894	...	...	...	...	The whole.
No. 326-I., dated the 24th January 1896, as subsequently amended	...	...	...	...
No. 332-I., dated the 24th January 1896, as subsequently amended	...	...	...	...	So much as relates to the lands occupied by the Cawnpore-Achmara Railway.
No. 383-I., dated the 24th January 1896, as subsequently amended	...	...	...	...
No 3189-I. B., dated the 26th August 1904, as subsequently amended	...	...	...	...
No. 3190-I. B., dated the 26th August 1904, as subsequently amended	...	...	...	...
No. 1602-I. B., dated the 13th August 1909	...	...	...	...	The whole.
No. 2713-I. B., dated the 28th December 1911	...	...	...	...

Schedule.

	Railway.	State.	District.
Bengal and North-Western Railway System.	Bengal and North-Western Railway, Benares-Allahabad.	Benares	Benares.
Bombay, Baroda and Central India Railway System.	Rajputana-Malwa Railway, Cawnpore-Achhnera Section, Muttra-Achhnera.	Bharatpur	Muttra.
Great Indian Peninsula Railway System.	Agra-Delhi Chord Railway, Agra-Muttra.	Bharatpur	Muttra.
Oudh and Rohilkhand Railway System.	Oudh and Rohilkhand Railway, Main Line.	{ Benares Rampur	{ Benares. Muradabad.
Rohilkhand and Kumaon Railway System.	Rohilkhand and Kumaon Railway, Kashipur extension.	Rampur	Muradabad.

The 18th September, 1912.

No. 1991-G.—With reference to Notification No. 921-G., dated the 23rd April 1912, Monsieur V. Ampenow, Vice-Consul for Russia at Calcutta, resumed charge of his office on the 20th June, 1912.

The 19th September, 1912.

No. 1981-I. B.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to direct that the following addition shall be made to the notification of the Government of India in the Foreign Department, No. 1189-I. B., dated the 9th June 1911, applying certain enactments to the Cantonment of Baroda, namely:

In the first schedule after entry 30 the following shall be inserted, namely :

"Only the following sections shall apply as hereby modified :

15. A universal currency note for the time being of British India and any currency note of the Bombay Circle of issue as established for the time being under the Indian Paper Currency Act, 1910, shall be a legal tender for the amount expressed in the note in payment or on account of—

- (a) any revenue or other claim to the amount of five rupees or upwards due to Government, and
- (b) any sum of five rupees or upwards due by Government or by any body corporate or person.

26. No person shall draw, accept, make or issue any bill of exchange, hundi, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe or take up any sum or sums of money on the bills, hundis or notes payable to bearer on demand, of any such person :

Provided that cheques or drafts, payable to bearer on demand or otherwise, may be drawn on bankers, shroffs or agents by their customers or constituents, in respect of deposits of money in the hands of those bankers, shroffs or agents and held by them at the credit and disposal of the persons drawing such cheques or drafts.

27. (1) Any person contravening the provisions of section 26 shall, on conviction by a Magistrate of the first class, be punishable with a fine equal to the amount of the bill, hundi, note or engagement in respect whereof the offence is committed.

(2) Every prosecution under this section shall be instituted by a person empowered in this behalf by the Governor-General in Council".

30 (a) The Indian paper Currency Act, 1910 (II of 1910).

No. 2630-Est.-4.—Lieutenant-Colonel F. G. Beville, C.I.E., of the Political Department, is granted privilege leave for three months combined with furlough for one year, with effect from the 1st August, 1912, under Articles 233 and 308 (b) of the Civil Service Regulations.

A. H. McMAHON,
Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 16th September, 1912.

No. 664-F.E.—Mr. G. H. Bailey, Chief Accountant, Class II, Audit Officer, Temporary Works, Delhi has been promoted to the General List of the Indian Finance Department, with effect from the 7th June 1912.

No. 666-F.E.—Mr. K. B. Wagle has been appointed Accountant General, Bombay, with effect from the 1st August 1912.

The 17th September, 1912.

No. 673-F.E.—The services of the Honourable Mr. W. M. Hailey, C.I.E., I.C.S., are placed at the disposal of the Home Department, with effect from the 31st August 1912.

H. F. HOWARD,

Offg. Secretary to the Government of India.

FINANCE DEPARTMENT (MILITARY FINANCE).

NOTIFICATIONS.

LEAVE AND APPOINTMENTS.

Simla, the 20th September, 1912.

No. 1128-Accts.—The undermentioned officer has been granted an extension of leave by the Most Hon'ble the Secretary of State for India :

Captain P. Ashfield, I.A., Assistant Military Accountant, 3rd class, (private affairs) for fourteen days.

No. 1129-Accts.—Lieutenant-Colonel T. H. Henderson, I.A., Controller of Military Accounts, whose tenure of appointment will expire on the 12th April 1913, is reappointed for a fresh period of one year, i.e., to the 12th April 1914.

W. H. MICHAEL,

Offg. Joint Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

COMMERCE AND TRADE.

Simla, the 21st September, 1912.

No. 7073-61.—In exercise of the powers conferred by Section 32 of the Indian Life Assurance Companies Act, 1912, (VI of 1912), the Governor General in Council is pleased to declare that the Scottish Union and National Insurance Company carries on life assurance business in the United Kingdom in accordance with the Assurance Companies Act, 1909 (9 Edw., VII, Cap. 49).

LEAVE AND APPOINTMENTS.
POST OFFICE ESTABLISHMENT.*The 21st September, 1912.*

No. 7008-126.—Mr. H. F. P. Tulloch, Presidency Postmaster, Bombay, is appointed to officiate as Postmaster-General, 2nd grade, and to hold charge of the Eastern Bengal and Assam Circle, from the 28th March 1912 *vice* Mr. H. N. Hutchinson, I.C.S., Postmaster-General, 2nd grade, on combined leave and from the 29th March 1912 and until further orders, in the arrangements *vice* the Hon'ble Mr. W. Maxwell, C.I.E., M.V.O., I.C.S., Postmaster-General, in the special 1st grade, on special duty.

Mr. C. C. Sheridan, Deputy Postmaster-General, 1st grade, and officiating Postmaster-General, 2nd grade, will continue to officiate as Postmaster-General, 2nd grade, in charge of the Punjab and North-West Frontier Circle, from the 29th March 1912 and until further orders, in the arrangements *vice* Mr. H. N. Hutchinson, I.C.S., on combined leave.

2. This supersedes the Notifications Nos. 1178-47 and 3686-90, dated the 10th February 1912 and 9th May 1912, respectively, of the Department of Commerce and Industry, so far as the officiating appointments of Mr. H. F. P. Tulloch and Mr. C. C. Sheridan are concerned.

SALT.

The 21st September, 1912.

No. 7062-87.—Mr. H. H. Bryan, Superintendent, Northern India Salt Revenue Department, is granted privilege leave for one month and twenty-nine days with effect from the 6th September 1912.

TELEGRAPH ESTABLISHMENT.

The 21st September, 1912.

No. 7089-33.—In continuation of the Notification in this Department No. 2182-33, dated the 11th March 1912, Mr. H. R. Charles, officiating in the 1st grade of Secretariat Superintendents, will continue on special duty under the Director General of Posts and Telegraphs up to the 31st December 1912.

INDUSTRIES.

The 21st September 1912.

No. 6715-27.—The following statement of the accounts of the Indian Tea Cess Committee for the year ending the 31st March 1912, is published in the *Gazette of India* in accordance with rule XIII of the Rules promulgated in the Notification in the Finance and Commerce Department No. 6479-S.R., dated the 12th October 1904 :

INDIAN TEA CESS COMMITTEE.

Statement of Accounts for the year ended 31st March 1912.

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THE GAZETTE OF INDIA, SEPTEMBER 21, 1912.

[PART I

INCOME.		EXPENDITURE.			
Rs.	a.	Rs.	a.	Rs.	a.
To Balance 1910-11 1,52,473 14 9	By Office rent and Establishment—		
1. Sums received from Customs Officers under Section 5 (1) of the Act—			Bengal Chamber of Commerce 12 months @ Rs. 500 per month	6,000 0 0	
Cess on Tea exported 3,39,523 3 6	... " Promoting the sale and increasing the consumption of tea in India—	...	
Less cost of collection 2,107 3 9	... Delhi Durbar 1911—	...	
			Expenses incurred at Delhi for promoting the sale of Tea in India—		
			By Radhanath Dey	4,000 0 0	
			" F. G. Steel	1,476 1 3	
			McMeekin & Co. for cost of 40 chests of Tea	5,954 5 0	
			Charges at Calcutta for Tea Chests returned from Delhi	38 9 0	
				11,468 15 3	
			Less sale proceeds of Tea	4,140 15 6	
				7,327 15 9	
			" Promoting the sale and increasing the consumption of tea in other countries—		
			Advertising in North America.		
			Amount expended by Mr. R. Blechynden—		
			Advertising	... \$40,853.19	
			Speciality Work	... 7,599.09	
			R. Blechynden's salary	... 7,302.50	
			Office salaries and expenses	... 3,472.08	
				13,327 15 9	
			Carried over	... \$39,226.86	
				4,89,888 14 6	

Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
4,89,888 14 6				13,327 15 9
<i>Brought forward</i>	...			
<i>Postages</i>	...			39 31
<i>General expenses</i>	...			833 78
				340,100 15
				Rs. 1,23,765 14 0
				5,930 9 6
				1,29,696 7 6
				918 15 11
				1,28,777 7 7
				...
				By Advertising in Continental Europe—
				Amount expended by Mr. J. E. M. Harington.
				Work in Belgium—
				Antwerp
				...
				61,602 10 10
				Work in Germany—
				Berlin
				...
				1,132 3 4
				Hamburg
				...
				2,264 3 5
				Bremen
				...
				50 0 0
				Work in Italy
				...
				470 9 1
				Work in Denmark—
				Copenhagen
				...
				259 4 2
				Salary and Travelling expenses of Mr.
				J. E. M. Harington
				...
				600 0 0
				£6,378 10 10
				Carried over
				1,28,777 7 7
				13,327 15 9
				4,89,888 14 6
				...
				Carried over

Statement of Accounts for the year ended 31st March 1912.—contd.

	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Brought forward	...	4,89,858 14 6		Brought forward	...	£6,378 10 10
Hamburg office expenses	...				327 11 10	1,28,777 7 7
Advertising	...				802 13 1	13,327 15
					7,508 15 9	
Less interest	...				26 14 9	
					£7,482 1 0	1,12,230 12 0
					...	
<i>Berlin Tea House Scheme—</i>						
Expenditure Leipzigerstrasse and Kants- trasse	...				£60 15 2	
Salary of Mr. J. E. M. Harington	...				200 0 0	
Travelling	...				28 15 0	
Less on working of new Tea Room	...				377 11 11	
					667 2 1	
Less interest	...				4 9 8	
					662 12 5	
					Rs. 9,939 5 0	
Less Difference of Exchange	...				410 3 7	9,529 1 5
					...	
<i>Amount expended by Secretary, Indian Tea Association, London—</i>						
Advertisements	...				£ 505 18 5	
Less interest	...				14 0 8	
					£ 491 17 9	
					7378 5 0	...
Carried over	...				2,57,915 10 0	13,327 15 9
					...	
Carried over	...				4,89,888 14 6	

Statement of Accounts for the year ended 1st March 1912—contd.

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THE GAZETTE OF INDIA, SEPTEMBER 21, 1912.

[PART

	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Brought forward	...	4,89,888 14 6	Brought forward	...	3,55,682 2 1
<i>By Miscellaneous—</i>					
Travelling expenses of Committee members...					
Printing and Stationery	1,062 6 0	
Supervision of Accounts	596 12 1	
Sundry expenses	300 0 0	
Photograph	725 19 1	
Bonus on compressed Tea	3,402 8 0	
				166 14 6	6,254 2 8
<i>Balances—</i>					
Current Account with Bank of Bengal	61,791 14 9	
In hand	22 9 0	
In hands of Customs officers	5,019 8 5	
In hands of Mr. R. Blechynden	87,176 40	22,149 6 0	
Ditto ditto (South America account).			£1,000 0 0	14,941 10 1	
In hands of Mr. J. E. M. Harington			£939 10 8		
Less Dr. Balance of "B" Account ...			198 4 9	.....
				£801 5 11	12,019 7 0
Carried over		36,193 6 4 9
					4,89,888 14 6

We have examined the above accounts with the Calcutta Books and Vouchers with the audited returns submitted by the Secretary, Indian Tea Association, London, Mr. J. E. M. Harington and Mr. R. Blechynden and we hereby certify it to be correct and in accordance with the vouchers and returns submitted.

LOVELOCK AND LEWES,
Chartered Accountants.
CALCUTTA ; }
The 24th July 1912.

H. M. HAYWOOD,
G. KINGSLEY,
Secretary

R. E. ENTHOVEN,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 20th September 1912.

FIELD OPERATIONS.

ABOR.

No. 896.—In continuation of *Gazette of India* Notification No. 480, dated the 23rd May 1912, the Right Hon'ble the Governor-General in Council is pleased to direct the publication of the following despatch received from the Most Hon'ble the Secretary of State for India :—

India Office,

London,

19th July 1912.

Military : No. 89.

To His Excellency the Right Honourable the Governor-General of India in Council.

MY LORD,

I have considered in Council paragraph 5 of the despatch of your Government in the Operations against the Abors. M.-7913. Army Department, No. 95, dated 13th June 1912, and its enclosures, regarding the recent operations against the Abors on the North-Eastern Frontier of India.

2. I desire to express the concurrence of His Majesty's Government in your acknowledgment of the able and careful conduct of the operations by Major-General H. Bower, C.B., and of the services of all ranks engaged in them.

I have, etc.,

(Signed) CREWE.

FURLough AND LEAVE.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

No. 897.—Mr. D. R. Berkeley Ryan, Personal Assistant to the Judge Advocate General in India, is granted privilege leave for three months, combined with furlough out of India for twelve months, with effect from the 7th October 1912, or such subsequent date from which he may avail himself of the leave, under Articles 233, 260 and 338, Civil Service Regulations.

LONDON GAZETTE.

No. 898.—The following extract is published for general information :—

“London Gazette”, dated the 27th August 1912, page 6377.

* * * * *

India Office,
August 27, 1912.

The KING has approved of the promotion of the following officers of the Indian Army, Indian Medical Service and Indian Army Departments :—

INDIAN ARMY.

Major to be Lieutenant-Colonel.

Dated 11th July 1912.

Francis Frederick Badcock, D.S.O., Commandant, 2nd Battalion, 6th Gurkha Rifles.

Lieutenants to be Captains.

Dated 3rd July 1912.

Kenneth Edward Cooper, 110th Mahratta Light Infantry.

Dated 15th July 1912.

John Cecil Hamilton Holliday, 122nd Rajputana Infantry.
Arthur Henry Prinsep Cruickshank, 32nd Sikh Pioneers.
Francis Arthur Guy Roughton, 113th Infantry.
William Leslie Bedell Chapman, 89th Punjabis.
Hugh Boswell Tucker, 98th Infantry.

Dated 19th July 1912.

Alan Gething Stone, 3rd Queen Alexandra's Own Gurkha Rifles.

Dated 22nd July 1912.

George Augustus Champagné Wetherall, 1st Duke of York's Own Lancers (Skinner's Horse).

INDIAN MEDICAL SERVICE.

Captains to be Majors.

Dated 29th July 1912.

Charles William Francis Melville, M.B., F.R.C.S.E.
Robert McCarrison, M.D.
James Masson, M.B., F.R.C.S.E.
William Morris Anderson, M.D.
William Hugh Leonard.
Andrew Watson Cook Young, M.B.
James Graham Goodenough Swan, M.B.
Robert Basil Boothby Foster, M.B.

INDIAN ARMY DEPARTMENTS.

Deputy Commissaries with the Honorary rank of Captain to be Commissaries with the Honorary rank of Captain.

Dated 23rd June 1912.

Harry Robert Arthur.

John Leather.

Assistant Commissaries with the Honorary rank of Lieutenant to be Deputy Commissaries with the Honorary rank of Captain.

Dated 23rd June 1912.

William Edward Bowder.

Dated 8th July 1912.

William McWalters.

To be Assistant Commissaries with the Honorary rank of Lieutenant.

Dated 7th November 1911.

Conductor Thomas Curley.

Dated 23rd June 1912.

Conductor Thomas Freeman.

Dated 3rd July 1912.

Conductor Francis James Clay.

Dated 8th July 1912.

Conductor Henry Charles Sampson.

The KING has approved of the admission of the undermentioned officers to the Indian Army :—

Lieutenants to be Lieutenants.

Thomas Chalmers Mackenzie, 6th King Edward's Own Cavalry, from the 3rd (King's Own) Hussars. Dated 6th June 1912, but to rank from the 20th March 1910.

Montagu Richard William Duberly, 23rd Sikh Pioneers, from the Norfolk Regiment. Dated 2nd July 1912, but to rank from the 29th November 1908.

Raymond Anthony Addington, 97th Deccan Infantry, from the Devonshire Regiment. Dated 2nd July 1912, but to rank from the 4th August 1909.

The KING has approved of the retirement of the undermentioned officers of the Indian Army, Indian Medical Service, Indian Subordinate Medical Department, and Indian Army Departments :—

INDIAN ARMY.

Dated 25th August 1912.

Lieutenant-Colonel the Honourable Henry Dundas Napier, C.M.G.

Dated 23rd August 1912.

Major Thomas Williams Lightfoot.

Major Wilfred Marshall Guthrie-Smith.

INDIAN MEDICAL SERVICE.

Major Pulteney Charles Gabbett. Dated 26th August 1912.

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

Senior Assistant Surgeon and Honorary Major Arthur Herbert Nolan. Dated 13th June 1912.

INDIAN ARMY DEPARTMENTS.

Commissary and Honorary Major George William Gurr. Dated 23rd June 1912.

Deputy Commissary and Honorary Captain William Henry Emmett. Dated 8th July 1912.

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PROMOTIONS.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 899.—The undermentioned 3rd Grade Cantonment Magistrate is granted increased Staff pay at the rate of Rs. 400 per mensem :—

Major R. W. Burton,—with effect from the 6th September 1912.

INDIAN MEDICAL SERVICE.

No. 900.—The following promotion is made, subject to His Majesty's approval :—

Lieutenant to be Captain.

4th June 1912.

Sureswar Sarkar.

ORDNANCE DEPARTMENT.

General List.

No. 901.—Staff-Sergeant Edwin Alfred Reeves McCarthy to be Sub-Conductor, *vice* William Dunbar, Southern Army List, transferred to the pension establishment; with effect from the 26th April 1912.

(Army Department Notification No. 683, dated the 12th July 1912, is hereby cancelled.)

No. 902.—Sub-Conductor Ernest Freed to be Conductor on the Southern Army List and

Staff-Sergeant Arthur Roland Bolam to be Sub-Conductor on the General List, vice Joseph Charlton, Southern Army List, transferred to the pension establishment; with effect from the 6th May 1912.

(Army Department Notification No. 730, dated the 26th July 1912, is hereby cancelled.)

No. 903.—Staff-Sergeant Frederick Charles Bowles to be Sub-Conductor, to complete establishment; with effect from the 15th May 1912.

(Army Department Notification No. 731, dated the 26th July 1912, is hereby cancelled.)

No. 904.—Staff-Sergeant William Welton to be Sub-Conductor, vice William Warner, Northern Army List, transferred to the pension establishment; with effect from the 1st June 1912.

(Army Department Notification No. 732, dated the 26th July 1912, is hereby cancelled.)

No. 905.—Sub-Conductor Herbert Richard Selby to be Conductor on the Southern Army List and

Staff-Sergeant Henry Jefferies to be Sub-Conductor on the General List, vice Conductor Frederick William Kaye, Southern Army List, appointed Overseer in the Gun and Shell Factory, Cossipore, and seconded; with effect from the 5th June 1912.

(Army Department Notification No. 733, dated the 26th July 1912, is hereby cancelled.)

Southern Army.

No. 906.—Deputy Commissary and Honorary Captain Jacob Pike, Overseer, Examination, Ammunition Factory, Dum Dum, seconded, to be Commissary, seconded,

Deputy Commissary and Honorary Captain Andrew William Underwood to be Commissary,

Assistant Commissary and Honorary Lieutenant John Duggan to be Deputy Commissary and to have the honorary rank of Captain, subject to His Majesty's approval,

Conductor Edwin Jones to be Assistant Commissary and to have the honorary rank of Lieutenant, subject to His Majesty's approval,

Sub-Conductor James Benjamin Breach to be Conductor and

Staff-Sergeant Frederick Richard Tate to be Sub-Conductor on the General List,

vice Commissary and Honorary Captain James Lonergan, retired; with effect from the 4th July 1912.

(Army Department Notification No. 835, dated the 30th August 1912, is hereby cancelled.)

MISCELLANEOUS LIST, MADRAS.

No. 907.—Sub-Conductor Frederick John Baldrey to be Conductor; with effect from the 18th September 1912.

NATIVE ARMY.

APPOINTMENTS AND PROMOTIONS.

No. 908.—The following promotions are made:—

3rd Sappers and Miners.

Havildar Lakshiman Powar to be Jemadar, vice Raj Khan, transferred to the pension establishment; with effect from the 1st August 1912.

Havildar Shah Sawar to be Jemadar, vice Mahesh Singh, transferred to the pension establishment; with effect from the 1st August 1912.

55th Coke's Rifles (Frontier Force).

Jemadar Ghani Shah to be Subadar and Havildar Sheraban to be Jemadar, vice Saidak, transferred to the pension establishment; with effect from the 1st August 1912.

Havildar Dugla to be Jemadar, *vice* Bakshi Ch'and, transferred to the 56th Punjabi Rifles (Frontier Force) ; with effect from the 1st September 1912.

1st Battalion, 1st King George's Own Gurkha Rifles (The Malgun Regiment).

Havildar Santbir Rana to be Jemadar, *vice* Arjun Ale, transferred to the pension establishment ; with effect from the 1st September 1912.

SUPPLY AND TRANSPORT CORPS.

No. 909.—The following appointment is made in the Reserve of the Supply and Transport Corps :—

To be Ressaider.

Budruddin of the Agra District.

50th Silladar Camel Corps.

No. 910.—Ressaider Rahmat Khan, 53rd Silladar Camel Corps, to be Risaldar, *vice* Nazir Mohammed, Babadur, transferred to the pension establishment ; with effect from the 12th September 1912.

REWARDS.

INDIAN DISTINGUISHED SERVICE MEDAL.

No. 911.—The Governor-General in Council is pleased to sanction the award of the Indian Distinguished Service Medal to the undermentioned non-commissioned officer of the Northern Waziristan Militia :—

No. 368, Lance-Dafadar Zarim.

RETIREMENTS.

INDIAN ARMY.

No. 912.—Lieutenant-Colonel J. M. Camilleri, Commandant, 13th Rajputs (The Shekhawati Regiment), is permitted to retire from the service, subject to His Majesty's approval ; with effect from the 20th September 1912.

No. 913.—Major George Rainier de Herriez Smith, 39th King George's Own Central India Horse, has been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, subject to His Majesty's approval ; with effect from the 18th November 1912.

INDIAN MEDICAL SERVICE.

No. 914.—Lieutenant-Colonel Clarence Edwin Lloyd Gilbert, Indian Medical Service, Bengal, has been permitted by the Most Hon'ble the Secretary of State for India to retire from the service, subject to His Majesty's approval ; with effect from the 21st September 1912.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Surma Valley Light Horse.

No. 915.—Lieutenant William Taylor Cathcart, Supernumerary List, resigns his commission. Dated the 6th December 1910.

Simla Volunteer Rifles.

No. 916.—Second Lieutenant Harry MacLeod Leonard Marchant, Supernumerary List, to be Lieutenant, to fill an existing vacancy. Dated the 1st April 1912.

Upper Burma Volunteer Rifles.

No. 917.—Second Lieutenant Edward Nevinson Bell to be Lieutenant, to fill an existing vacancy. Dated the 1st August 1912.

CANTONMENTS.

TAXATION.

No. 918.—In exercise of the power conferred by section 23 of the Cantonments Act, 1910, the Governor General in Council is pleased to cancel notification No. 919, dated 2nd October 1909, published in the *Gazette of India*, Part I, extending to the Cantonment of Bellary sections 169, 188 and 189 of the Madras District Municipalities Act, 1884; and section 34 of notification No. 900, dated 25th September 1909, published in the *Gazette of India*, Part I, extending to the Cantonment of Wellington section 167 of the Madras District Municipalities Act, 1884.

No. 919.—In exercise of the power conferred by section 23 of the Cantonments Act, 1910, the Governor-General in Council is pleased to extend to the Cantonments of St. Thomas' Mount (including Pallavaram) and Poonamallee sections 31 (3), 169, 170, 171, 173, 180, 188, 189, 191, 196, 211, 212, 229, 236, 249 (4), 263, 264-A, and 267-A of the Madras District Municipalities Act, 1884, in the adapted form set forth hereunder:—

SECTIONS IN THE ADAPTED FORM.

The President of the Cantonment Committee shall have the custody of the proceedings and records of the Cantonment authority and may grant copies of any such proceedings and records on payment of such fees as the Cantonment authority may, by general or special order, prescribe. Copies so granted shall be certified by the President of the Cantonment Committee as provided by section 76 of the Indian Evidence Act, 1872, and copies so certified may be used to prove the records of the Cantonment authority in the same manner as they may, under sub-section (5) of section 78 of the said Act, be used to prove the proceedings of that body.

2. (1) Every person intending to put up any verandah, balcony, sun-shade, weather frame, or the like, to project over the pyals and pavements in front of any building or land in a public street or over such street, shall apply in writing to the Cantonment authority for a license to do so.

(2) The Cantonment authority may in their discretion grant a license in writing to erect such projection, provided that it does not extend over the street to a distance exceeding five feet from the line of frontage and is not of a height above the street of less than seven feet and provided also that no license shall be granted if the projection is likely to cause public inconvenience.

3. The President of the Cantonment Committee may by a license allow any temporary erections in a street on occasions of fairs, festivals and ceremonies.

4. Every person intending to build or take down any building or to alter or repair the outward part of any building, where any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, obtain a license in writing from the President of the Cantonment Committee so to do, and shall cause sufficient hoarding or fences to be put up, in order to separate the building where such works are being carried on from the street or foot-way, and shall maintain such hoarding or fences in good condition, to the satisfaction of the President of the Cantonment Committee, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night.

Provided that no person shall keep up the said hoarding or fences for a time longer than allowed in the said written license.

Section 173 of the Madras District Municipalities Act, 1884. Holes and other obstructions in streets not to be made without President's permission.

Section 180 of the Madras District Municipalities Act, 1884. Application to be made if well or building is to be constructed.

What is to accompany such application.

Orders to be passed in six weeks.

Cantonment authority may refuse to grant license unless certain conditions complied with.

When application may proceed with work.

Cantonment authority may exempt huts from the provisions of this section.

Section 188 of the Madras District Municipalities Act, 1884.

If Cantonment authority so direct, certain trades shall not be exercised without license.

5. No person shall make any hole or cause any other obstruction in any street without the written permission of the President of the Cantonment Committee. If such permission is granted, the person making such hole or obstruction shall, at his own expense, cause the same to be sufficiently fenced or otherwise enclosed until the hole is filled up or otherwise made secure or until the obstruction is removed, as the case may be, and shall similarly cause the same to be sufficiently lighted at night. If any person contravenes the provisions of this section, the President may fill up the hole or remove the obstruction or cause the same to be lighted, as the case may be, and may recover the cost of so doing from such person.

6. (1) Every person intending to construct, reconstruct or extend a well or a building (other than a mere wall) shall, six weeks before beginning to construct, re-construct or extend it, make an application in writing to the Cantonment authority for a license to do so.

(2) Such application shall be accompanied by such particulars as the Cantonment authority may require under by-laws framed in this behalf, and shall further be accompanied:—

(i) in the case of buildings, by

- (a) a plan or statement showing the dimensions of the building and the levels at which it is intended to lay the foundation and lowest floor;
- (b) a statement showing the means of ventilation and drainage and the privies which it is intended to provide; and

(ii) in the case of wells, by a statement showing the dimensions of the well, the manner in which it is to be fenced and, if the well is to be used for drinking purposes, the means which it is intended to take to prevent pollution of the water.

(3) Subject to the provisions of sub-section (4), the Cantonment authority shall, within six weeks after receipt of the said application, give a license for the construction, re-construction, or extension of the well or building in respect of which the application is made.

(4) If the Cantonment authority see reason to object, in respect of a building (a) to the proposed levels of the foundation or lowest floor, (b) to the proposed means for ventilation or drainage, (c) to the proposed latrine accommodation, or (d) to any particular given in respect of such building under by-laws framed as aforesaid; or, if they see reason to object in respect of a well, (a) to the proposed fencing, (b) to the proposed means of protection from pollution or, (c) to any particular given in respect of such well as aforesaid; they shall specify in the license the alterations in such levels, means, accommodation, fencing or particular which they consider to be necessary and the person to whom the license is granted shall be bound to carry out such alterations.

(5) On receipt of the said license, or if, within the said period of six weeks, the Cantonment authority have not granted a license, the applicant may proceed to construct, re-construct or extend, as the case may be, the building or well, in accordance with the particulars, plan (if any) and statement which accompanied his application.

(6) The Cantonment authority may exempt any hut or group of huts from the operation of this section.

7. (1) At any time, not being less than sixty days before the end of a financial year, the Cantonment authority may notify by beat of drum and by notice in the district gazette that after the commencement of the following financial year, no place shall be used for any one or more of the purposes specified in the following clauses—(a) to (g)—unless a license authorizing such use has been obtained from the President of the Cantonment Committee—

- (a) for depositing or washing soiled clothes; or
- (b) for boiling paddy, camphor or oil; or
- (c) for melting tallow or sulphur; or
- (d) for storing, or otherwise dealing with manure, offal, blood, bones, rags, hides, fish, horns or skins; or